

HOUSE OF REPRESENTATIVES—Thursday, September 20, 1984

The House met at 10 a.m.

Rev. Dr. Ronald Christian, the American Lutheran Church, Minneapolis, MN, offered the following prayer:

O God:

Father of everything that has life;

Giver of all that is good;

Ruler of every nation;

Judge over our actions; and

Merciful to all.

Hear us as we pray.

For we speak this day:

As children, asking for that which is needful;

As beggars, desiring that which is good;

As parents, recognizing Your might and power;

As defendants, accused of misdeeds and inaction; and

As sinners, recognizing our errors.

Help us, O God:

Not so much to pray for ourselves as to pray for our neighbors;

Not so much to desire to be served as to be of service;

Not so much to make demands for me as to defer to someone else;

So that, in all our deliberations and decisions:

Your name may be honored;

Your rule observed; and

Your people remembered.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

COURT'S DECISION SHOULD LOWER COAL TRANSPORTATION RATES

(Mr. BOUCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUCHER. Mr. Speaker, the U.S. court of appeals has sent a strong message to the Interstate Commerce Commission. The court unanimously held that the ICC erred when it permitted railroads to charge as much as they desire for the transportation of coal bound for foreign markets; 95 percent of American coal-exporting mines are served by only one rail line. There is clearly an absence of effective competition. Past ICC practices have served to make American coal less competitive in the world market, with

disastrous consequences for the coal economy of my district in southwest Virginia and indeed for the entire Appalachian region.

When Congress adopted the Staggers Rail Act in 1980, there was a clear intent to protect coal operators who have no alternatives to a single rail line for the transportation of their product. In that event, Congress clearly intended that the ICC review rates to ensure that they are equitable. In permitting railroads to charge whatever they desire for the transportation of coal bound for foreign markets and in permitting increases of up to 15 percent annually for the transportation of coal to domestic users, the ICC has totally ignored its responsibility.

The court was clearly correct in holding that the Staggers Act requires the ICC to set rates where a single railroad monopolizes the market. The ICC is presently deciding to what extent rates for coal bound for domestic markets should be regulated. It is apparent that these rates are also within the reach of the court's decision and that Congress fully intends that the ICC should review the fairness with which they are set as well.

I sincerely hope that the court's decision will persuade the ICC that equitable coal transportation rates serve the long-term interests of both the coal and the rail industries.

DECISIVE ACTIONS OF THE PRESIDENT IN A CRISIS

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, after 11 months of dillydallying on the issue, Walter Mondale learned that the rescue of American students on Grenada was a good idea.

What if he had been President last October when the Marxists attempted to establish a nest on Grenada and placed the lives of American students in danger? What if he had waited 11 months to act?

We might have found ourselves in the middle of another hostage crisis or something even worse.

In this dangerous world, Americans cannot afford a President who is indecisive and takes almost 1 full year to figure out what to do in a crisis. We had enough of that when Jimmy Carter was President.

CONSTITUTION WEEK

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute.)

Mr. EDWARDS of California. Mr. Speaker, this is Constitution Week. We should all take a few moments to reflect on the good fortune this country had in the coming together of the brilliant men who wrote the Constitution in 1787. The fact that after nearly 200 years, our Constitution and our Nation are stronger than ever is a tribute to their vision and to the system of government they created that summer in Philadelphia.

In times of crisis and upheaval, our greatest ally has been the Constitution: The Civil War and its aftermath, the impeachment of two Presidents, the Vietnam war, and other turbulent events of the sixties and seventies. In each case, the Constitution has guided us and seen us through.

The history of this country—and of our Constitution—has been one of continued expansion of individual rights and extension of those rights to groups which had formerly been excluded from full participation in our society. Starting with the Bill of Rights itself, continuing through the 13th, 14th, and 15th amendments, women's suffrage, and the 18-year-old vote, we have seen this to be the case. I believe this will continue to be our history in the years to come and soon we will see equal rights for women being added to the important guarantees of our Constitution.

CONGRESS' RESPONSIBILITY WITH THE PURSESTRINGS

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Like the proverbial bad penny, more disclosures and horror stories from the Pentagon on wasting taxpayers' money keep turning up. Now we find out about a \$7,822 coffee-maker. Add to this the \$435 light bulb that you can buy at the local store for 79 cents, plus many, many more outrageous examples.

All this adds up to a national disgrace.

Three American servicemen and others had the courage to come forward and to put their careers in jeopardy so that the American people get the "real story." With even more disclosures of cost overruns, can we, in

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Congress, ignore the utter disregard for the taxpayer? I would hope not.

We, in this House, who control the pursestrings, owe a responsibility to those who place their trust and confidence in us, the American taxpayer. Let us show the American people that their trust and confidence in this House is not misplaced.

BANK REGULATION

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, 1 week ago, I made the following statement on the House floor:

The bailout of Continental Illinois proves what the big banks know and don't want you to know: They are too big to fail. We won't let them.

Guess what? Page 2 of today's Wall Street Journal:

Comptroller of the Currency Todd Conover told Congress that the Federal Government won't currently allow any of the Nation's 11 largest banks to fail.

Mr. Conover made the statement reluctantly during hearings before the House Banking Committee.

Now we know. My, my. This is the same Mr. Conover, a Reagan appointee, who is pushing for the complete deregulation of banks.

You cannot have it both ways, Mr. Conover. Deregulation and guaranteed protection from failure do not mix. If some banks are protected, and some must be, then all banks must be regulated, or else only the Government-chosen few will survive.

Listen to me closely: If you are a small business man or woman or farmer, or a homebuilder, or a buyer in real estate, securities, or the insurance business, this administration is shockingly wrong on bank deregulation. And comparing the statements versus the actions of Mr. Conover, they are hypocrites as well.

DEMOCRACY IN CENTRAL AMERICA

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, to suggest that democracy is not advancing in Central America as the gentleman from Connecticut did yesterday, is to look at the region with a blind eye.

Joining the established democratic Governments of Costa Rica, Honduras, and Belize, the inauguration of the government of Jose Napoleon Duarte in El Salvador on June 1 represented a dramatic and historic achievement in that war torn nation. More than 80 percent of the eligible voters, on three different occasions since 1982, have expressed their belief

that a freely elected government offers the best hope for a solution to their long-running political and social crisis.

Add to those nations Panama and Guatemala. Panama will inaugurate its newly elected President next month after its first direct Presidential election in 16 years. Guatemala is following the example of El Salvador with the popular election of a Constituent Assembly July 1, with 73 percent of those eligible voting. The Constituent Assembly will write a new constitution and electoral law in preparation for direct Presidential elections next year. That's six out of seven countries in the region either with democratic governments or making serious progress toward democratic government.

Those who complain that democracy is not advancing in Central America would do well to direct their attention toward Nicaragua in an effort to get that single exception in the region also on the path toward truly free and fair elections.

□ 1010

FOR GOSH SAKES, MR. PRESIDENT, LET'S HELP THE FAMILY FARMER

(Mr. DORGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN. Mr. Speaker, this week the President announced he was going to do something about farm credit. Well, it is a move in the right direction, but it comes too late and it is not enough. A year ago we passed on the floor of this House the farm credit bill. For a year it has been stalled in the Senate because the President said, "I don't want it and I will veto it if I get it."

Now this Government lends money to foreign governments at about a 3½-percent interest rate. The average lending from the Farmers Home Administration for the American farmer is at about a 11½-percent interest rate. And our family farmers, the most fragile, the younger ones, are going broke. It seems to me that what we do for foreign governments we ought to consider doing for some family farmers.

I would like to read you a short note from a fellow that is going broke, he is having his farm auctioned today. It is a long letter but I will just read a couple of sentences:

On the 20th of September, my wife Joanne and I are having a farm auction on all of our cattle and farm machinery. I am 32 years old, have a wife and five children. We have cried a thousand tears over losing our farm. We have built what we have with the strength of our backs, our sweat and love.

We had a dream for a future that is now lost.

Please work hard to keep that dream alive for others.

Mr. President, what we do for foreign governments, for gosh sakes, we can do for some of these family farmers. Let us stop threats of veto of good legislation, let us stop political posturing, let us do something real in the right way, to help the family farmers, for a change.

MR. PRESIDENT, LET US HELP OUT THE HARD-PRESSED MILL OPERATORS OF THE NORTHWEST

(Mr. AUCCOIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AUCCOIN. Mr. Speaker, 48 hours ago in a policy switch, the President announced a new aid program for farmers in serious financial trouble. I rise today on behalf of the hard-pressed lumber and plywood mill operators who I work for in Oregon. I appeal to the President to help them just as he says he is going to help the farmers in the Midwest and for the same reason.

To use the President's words: because they need his help and they need it desperately.

Mr. Speaker, many of these timber operators and their workers believe in Ronald Reagan. Now they want him to believe in them and let them survive.

So far, however, all the administration has done on this problem is to give these mills a little extra time to make good on high-cost timber contracts signed in the late 1970's before the market collapsed for housing and for finished lumber products.

Time is nice. But time is running out for these operators.

Up to 75 percent of the mills in my region face bankruptcy unless they get relief from unworkable contracts, from the legislation that is being proposed by the Northwest delegation.

Unlike the farmers in the Midwest, Northwest timber operators have agreed to pay millions of dollars of penalties for turning back these contracts. So this is no bailout, Mr. Speaker. It is simply a way to let our troubled mills buy their way out of a hole and continue to provide jobs and payrolls for the people of my region.

LEGISLATION TO PROVIDE FOR TOP QUALITY TEACHERS

(Mr. REID asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REID. Mr. Speaker, whenever such an important subject as educational reform comes before a legislative body, it is important to remember that there are innumerable issues that

need consideration. After all, at stake is the knowledge of a nation.

Efforts to implement these important reforms in our public schools would be futile, however, without top quality teachers. That's why I cosponsored H.R. 1310, the National Mathematics and Science Education Act, to provide for teacher training and other programs to upgrade instruction in math, science, and foreign languages.

Another bill, H.R. 4477, which passed the House in August, would establish the Carl D. Perkins Scholarship Program to provide annual college scholarships to students who graduate in the top 10 percent of their high school class and agree to go into teaching after college. For each year of financial assistance a student would pledge to teach for 2 years.

I am pleased that the House has passed these two bills because it is through legislation like this that we show our commitment to give our children the best possible educational foundation upon which to build their lives.

UNIFORMED SERVICES FORMER SPOUSES' PROTECTION ACT OF 1982 AMENDMENTS

(Mr. HANCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANCE. Mr. Speaker, H.R. 6246, which I have coauthored with my colleagues, Mrs. SCHROEDER from Colorado and Mrs. BOXER from California, is an amendment to the Uniformed Services Former Spouses' Protection Act of 1982. H.R. 6246 would allow many former military spouses to receive the full portion of the former member's pension that is entitled to them under the Uniformed Services Former Spouses' Protection Act.

Prior to 1982, when the act was signed into law, if a retired military member divorced his wife, the wife lost all her claims to a portion of his retirement pay and/or survivor's benefits. This occurred despite the fact that, for many of these women, their husband's career had been their career. It was, in fact, their life. Since the bill was enacted, a significant number of these women now fall under the protection of the act and are entitled to a pro rata share of the former member's pension. There are many of these women, however, who have yet to receive their share of that pension.

Because of a technical flaw in the Former Spouses' Protection Act, some retirees, who now earn salaries in the private sector and receive military pensions, can legally allow their total withholding for income tax to be deducted from their pension. This hurts the former spouse by significantly decreasing the amount that she is right-

fully entitled to receive or it cuts her amount out entirely. In effect, by taking his income tax owed out of his pension, the retiree can eliminate what for many women is the largest portion of her total income. While this is done within the limits of the original law, it is far from the intent of the original law.

H.R. 6246 will close this technical loophole in the Uniformed Services Former Spouses' Protection Act and allow many deserving women, presently receiving little or nothing of the pension that they are entitled to receive, to get their full amount of the pension. I urge you to vote for its passage.

THE DEFICITS ARE PILED UP IN THIS HOUSE

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, well now, we hear a little more criticism today about supply-side economics and the so-called Reagan deficits. Well, isn't that interesting? Supply-side economics is criticized and we therefore have to assume that the proponents of that point of view liked Carter-Mondale economics. They liked 21½-percent interest, they liked 12-percent inflation, they liked all the things that Carter and Mondale gave us before supply-side economics brought about a little correction. And now they moan and groan about the Ronald Reagan deficits. Where are the Reagan deficits being piled up? Right in this body. We are the ones who spend the money, right here. What does Ronald Reagan say? Well, let us effect a little discipline up there on Capitol Hill with a balanced budget amendment to the Constitution.

And what have we heard from the Democrats? Well, on more than 50 consecutive days Republicans came to the floor asking that that measure be brought out here and considered and on 50-consecutive days the Democrats refused to allow it to happen.

Now, it seems to me that that makes it rather clear who does not want the kind of discipline necessary to get those deficits under order. The Democrats are refusing to do anything to discipline themselves with regard to spending.

Those deficits are a House problem. The Constitution says very clearly that Congress is the one that raises the money and spends the money. If Congress wants to do something to discipline itself, let us pass the balanced budget amendment to the Constitution.

THIS ADMINISTRATION HAS NOT USED ITS CONSTITUTIONAL POWERS EFFECTIVELY

(Mr. COELHO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COELHO. Mr. Speaker, I find the comments of the gentleman from Pennsylvania [Mr. WALKER] rather interesting, particularly from the point of view of talking about deficits. I am well aware and I think he and the American public are also, that this administration keeps talking about balanced budgets but doesn't have the will to use its veto power. That does not mean that the Republicans have refused to use it in the past. Jerry Ford, who I do not hear mentioned much in this Chamber by the Republicans, used it very successfully many times.

As a matter of fact the Republican Governor of California has used his veto power much more often than the President of the United States.

□ 1020

If the Republican Party is so interested in balanced budgets and deficits, then why do they not use the constitutional powers that have been given to them now. They have not.

I find it also interesting that the previous gentleman in the well talks about Carter-Mondale. Maybe what we should do is talk about Nixon-Agnew. Let us talk about the morality of past governments and let us talk about why Mr. Nixon was not at the Republican Convention. Let us start talking about past Presidents if we want to and I will be glad to join the gentleman in that discussion.

MONDALE'S CALCULATING CAMOUFLAGE

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, many people seem surprised today by Walter Mondale's assertions that he would use American military force to quarantine Nicaragua. But if they would look at the September 12 issue of the New York Times, they would know the real story.

Reporter Leslie Gelb has done a masterful job of informing the American people of the true nature of the Mondale "shift to the right." Mondale knows his wimpy liberalism on foreign policy won't wash with the American voters, so he's made an about-face, and about time, so he thinks.

Mondale is just another desperate politician who will do anything for votes. Gelb was told that Mondale "is against unilateral concessions to the Soviet Union," and yet his party's

platform and such Mondale proposals as a unilateral freeze and halting of the B-1 and Trident programs tell just the opposite story.

And now Mondale even supports our rescue mission in Grenada, but 11 months after he compared it to the Soviet invasion of Afghanistan. Mondale's move is just more dishonest wimpy politics—and we don't need another wimp in the White House—we need a leader like Ronald Reagan.

PRESIDENT NEEDS THE LINE-ITEM VETO

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Mr. Speaker, I find it interesting that the gentleman from California [Mr. COELHO], the head of the Democratic Campaign Committee, attacks President Reagan for the deficits and asks why he does not do something by vetoing some of the legislative proposals that come out of this Chamber.

The fact of the matter is that garbage is added to very important pieces of legislation and the President has to either take it or leave it. If we gave him the line-item veto that he has asked for so many times, we could cut that deficit, and the President could get these things changed without vetoing the whole bill.

The line-item veto is what he needs, Mr. COELHO. We also need a constitutional amendment to balance the budget, but you will not support that either.

But what has Walter Mondale advocated over the last few months? He has advocated \$400 billion in additional spending, over the next 4 years. He has promised a tax increase for everybody in this country ranging from \$1,890 to \$3,500 per family per year.

I sense in the Democratic majority of this House a real concern because many of you realize that if you tie yourselves to Walter Mondale's coat-tails you are not going to have a job next January.

THE BALANCED BUDGET AMENDMENT

(Mr. JACOBS asked and was given permission to address the House for 1 minute.)

Mr. JACOBS. Mr. Speaker, I would like to correct the record about something. Any casual reading of the Constitution will tell you that the Congress does not spend the money. The administration spends the money.

If you want a grant from the U.S. Government, you do not write to the Congress, you write to HEW or you write for a contract over to the Pentagon.

It is not the Congress. Find me one statute that says the American people

should be forced to pay \$2,000 for a military screw.

Let me just add one other thing. The Congress spends one-half of 1 percent of the Federal budget, about \$1½ billion, and that is too much, on the Congress itself. All the rest of the Federal spending is asked for by the President and is done by the President. He and his factotums sign the contract.

As far as a balanced budget is concerned, I am the one who began the movement in the House in 1976 for a balanced budget amendment. I wrote to President Reagan for support of it in 1980, right after he was elected. I got two letters back from his aides saying that I would hear from him later as to whether he would support a real balanced budget amendment. And I am still waiting for that letter.

The balanced budget amendment before this House is a phony. It is pale imitation of mine. It takes a three-fifths majority, no more than is required to end a filibuster in the Senate, to abrogate the balanced budget amendment and go into debt. Mine requires a three-fourths majority. It does not require the national debt to be paid off. Mine does. It does not require what is borrowed, when the three-fifths majority votes, to be paid back. Mine does within 36 months. It is a phony.

Why do you suppose the President asked the Michigan Legislature not to pass a balanced budget amendment a few days ago? He knows the State legislative route is the only one which will get a real amendment. The difference between my stand and the President's stand on the balanced budget amendment is that I'm not kidding. A balanced budget would mean the President could not be able to spend more than he is willing to tax, or tax less than he wants to spend. Of course no amendment would go into effect during the next 4 years, regardless of who is President, anyway. Somehow I am reminded of the church board which adopted a resolution to prevent other people from drinking.

Mr. Speaker, I did not raise my balanced budget amendment to serve as a figleaf for this administration which has turned out to be the great granddaddy of all deficits.

FREE WORLD SHOULD NEVER BOW TO TERRORIST TYRANNY

(Mr. McEWEN asked and was given permission to address the House for 1 minute.)

Mr. McEWEN. Mr. Speaker, once again our Nation arises to the grim reality of terrorism. At 5:30 this morning a driver using forged diplomatic license plates approached the Embassy of the freest nation on Earth, the United States, slammed into the compound wall detonating an unknown amount of high explosives.

When the smoke had cleared, two Americans were dead, numerous others were injured and the American Ambassador lay under a pile of rubble.

Once again, there is no timidity on the part of the fanatical terrorist groups ready to claim responsibility for the killing. Already Islamic Jihad, a radical, fundamental alliance with strong Iranian ties, has proudly assumed responsibility. They promised just such action unless America abandoned its support in the United Nations for a free Israel.

The price of freedom is constant. The responsibility of the leadership of the free world is to never bow to terrorist tyranny.

THE BASIS OF OUR CONSTITUTION

(Mr. DARDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DARDEN. Mr. Speaker, 197 years ago this week our Nation's Founding Fathers met in Philadelphia and signed what was to become the supreme law of the land—the U.S. Constitution. The document they signed is the very framework of our Government today. More importantly, though, we would not be guaranteed the freedoms we enjoy on a daily basis were it not for the Constitution.

On September 17, 1787, one by one, beginning with the northernmost State of Rhode Island and ending with the southernmost State of Georgia, the 39 signers placed their mark on history. But they did not stop there. For example, Abraham Baldwin and William Few, the signers from Georgia, the last names to be signed, went on to serve as U.S. Senators, working within the framework of the Constitution to see that the Document they signed became a reality. That is the secret of the Constitution, the American people's dedication to the principles set forth in it.

In 1821, John Quincy Adams said, "Our Constitution professedly rests upon the good sense and attachment of the people." This basis, weak as it may appear, has not yet been found to fail. How much more truth is there to that statement in 1984, 163 years later?

THE DEFICIT

(Mr. MURTHA asked and was given permission to address the House for 1 minute.)

Mr. MURTHA. Mr. Speaker, I yield to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN. I thank the gentleman for yielding.

Mr. Speaker, the point I wanted to make amidst this discussion about the

deficit and the discussion about this President is that I think it was this President who sent a budget to the House this year. This President who says he wants a balanced budget sent a budget to the House of Representatives this year that said, "I would like to spend \$925 billion and I would like revenues of \$745 billion."

This President who wants a balanced budget said, "I want to spend \$1 and I only want to take in 78 cents for every dollar I spend."

Question: Is this the same President these folks are talking about who wants a balanced budget?

□ 1030

Is that a balanced budget, \$925 billion in spending and \$745 billion in revenue? You do not have to change the Constitution to change the deficit. All the President has to do is send a budget to the floor of the House that is balanced.

TIGERS: AMERICAN LEAGUE EAST CHAMPIONS

(Mr. CONYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, I rise to offer my congratulations to the Detroit Tigers who Tuesday night defeated the Milwaukee Brewers and by doing so won the American League eastern division title. The teams performance this season has been nothing short of outstanding as it is the first ball club to lead a pennant race from start to finish since the New York Yankees did so in 1927.

The Tigers' success this season has done much to unite the people of the city of Detroit who have waited 12 years for a baseball championship. I regret that I could not be at Tiger Stadium that evening to join in the fans celebration. The spirit that was demonstrated there in response to this achievement signaled to all of America that Detroit is truly a very special place; it is a proud city that is standing squarely behind its first place team. With that strong support, I have no doubt that our Tigers will bring home a 1984 World Series victory.

CALL OF THE HOUSE

Mr. WALKER. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 405]

Ackerman	AuCoin	Beilenson
Alexander	Badham	Bennett
Anderson	Barnard	Bereuter
Andrews (NC)	Bartlett	Berman
Andrews (TX)	Bateman	Bevill
Annunzio	Bates	Blaggi
Anthony	Bedell	Bilirakis

Billiey	Gingrich	McCloskey
Boehlert	Glickman	McCollum
Boland	Gonzalez	McCurdy
Bonior	Gore	McDade
Bonker	Gradison	McEwen
Borski	Green	McHugh
Bosco	Gregg	McKernan
Boucher	Guarini	McKinney
Boxer	Gunderson	Mica
Breaux	Hall (IN)	Michel
Britt	Hall (OH)	Mikulski
Brooks	Hall, Ralph	Miller (CA)
Broomfield	Hall, Sam	Miller (OH)
Brown (CA)	Hamilton	Mineta
Brown (CO)	Hammerschmidt	Minish
Broyhill	Hance	Mitchell
Burton (CA)	Hansen (ID)	Moakley
Burton (IN)	Hansen (UT)	Molinar
Byron	Harkin	Mollohan
Campbell	Hartnett	Montgomery
Carney	Hatcher	Moore
Carper	Hayes	Moorhead
Carr	Hefner	Morrison (CT)
Chandler	Hightower	Morrison (WA)
Chappell	Hiler	Mrazek
Chapple	Hillis	Murphy
Clarke	Holt	Murtha
Clinger	Hopkins	Myers
Coats	Horton	Natcher
Coelho	Howard	Neal
Coleman (MO)	Hoyer	Nelson
Coleman (TX)	Hubbard	Nichols
Collins	Huckaby	Nielson
Conable	Hughes	Nowak
Conte	Hunter	O'Brien
Conyers	Hutto	Oakar
Cooper	Hyde	Oberstar
Courter	Ireland	Obey
Coyne	Jacobs	Olin
Craig	Jeffords	Ortiz
Crane, Daniel	Jenkins	Owens
Crane, Phillip	Johnson	Oxley
Daniel	Jones (NC)	Packard
Dannemeyer	Jones (OK)	Panetta
Darden	Jones (TN)	Pashayan
Daschle	Kaptur	Patman
Daub	Kasich	Paul
Davis	Kastenmeier	Pease
de la Garza	Kazen	Penny
Dellums	Kennelly	Pepper
Derrick	Kildee	Petri
DeWine	Kindness	Pickle
Dickinson	Kleczka	Price
Dicks	Kogovsek	Pursell
Dingell	Kolter	Quillen
Dixon	Kostmayer	Rahall
Dorgan	Kramer	Rangel
Dowdy	LaFalce	Ratchford
Downey	Lagomarsino	Ray
Dreier	Lantos	Regula
Duncan	Latta	Reid
Durbin	Lehman (CA)	Richardson
Dwyer	Lehman (FL)	Ridge
Dymally	Leland	Rinaldo
Dyson	Lent	Ritter
Early	Levin	Roberts
Eckart	Levine	Robinson
Edgar	Levitas	Rodino
Edwards (AL)	Lewis (CA)	Roe
Edwards (OK)	Lewis (FL)	Roemer
Emerson	Lipinski	Rogers
Erdreich	Livingston	Rose
Erlenborn	Lloyd	Rostenkowski
Evans (IL)	Long (LA)	Roth
Fascell	Lott	Roukema
Fazio	Lowery (CA)	Rowland
Feighan	Lowry (WA)	Roybal
Fiedler	Lujan	Rudd
Fields	Luken	Russo
Fish	Lundine	Sabo
Filippo	Lungren	Schaefer
Florio	Mack	Schneider
Foglietta	MacKay	Schroeder
Foley	Madigan	Schulze
Ford (TN)	Markey	Schumer
Fowler	Marlenee	Seiberling
Frank	Marriott	Sensenbrenner
Frenzel	Martin (IL)	Sharp
Fuqua	Martin (NC)	Shaw
Garcia	Martin (NY)	Shelby
Gaydos	Martinez	Shumway
Gedensson	Matsui	Sikorski
Gekas	Mavroules	Simon
Gephardt	Mazzoli	Sisisky
Gibbons	McCain	Skeen
Gilman	McCandless	Skelton

Slattery	Sundquist	Weaver
Smith (FL)	Swift	Weiss
Smith (IA)	Synar	Wheat
Smith (NE)	Tallon	Whitehurst
Smith (NJ)	Tauzin	Whitley
Smith, Denny	Taylor	Whittaker
Smith, Robert	Thomas (CA)	Williams (OH)
Snowe	Thomas (GA)	Wirth
Snyder	Torres	Wise
Solarz	Torricelli	Wolf
Solomon	Towns	Wolpe
Spence	Traxler	Wortley
Spratt	Valentine	Wyden
St Germain	Vander Jagt	Wyllie
Staggers	Vandergriff	Yates
Stangeland	Vento	Yatron
Stenholm	Volkmer	Young (AK)
Stokes	Vucanovich	Young (MO)
Stratton	Walgren	Zschau
Studds	Walker	
Stump	Watkins	

□ 1040

The SPEAKER pro tempore (Mr. MURTHA). On this rollcall, 370 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

PERMISSION FOR COMMITTEE ON SCIENCE AND TECHNOLOGY TO SIT TODAY DURING 5- MINUTE RULE

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that the Committee on Science and Technology be permitted to sit this afternoon while the House is sitting under the 5-minute rule to consider two bills.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. WALKER. Mr. Speaker, reserving the right to object, the gentleman from Florida has discussed this with me and as I understand it, the two bills we are talking about are the two bills where there is no controversy with the minority, and that the permission to sit is being gotten with regard to those two bills only.

Mr. FUQUA. The gentleman is absolutely correct, and that was the agreement.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

EMERGENCY WETLANDS RESOURCES ACT OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 579 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3082.

□ 1055

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the

Union for the further consideration of the bill (H.R. 3082) to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands by the acquisition of wetlands and other essential habitat, and for other purposes, with Mr. McCURDY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Wednesday, September 19, 1984, the following Members had general debate remaining. The gentleman from North Carolina [Mr. JONES] had 15 minutes; the gentleman from Alaska [Mr. YOUNG] had 16 minutes; the gentleman from Ohio [Mr. SEIBERLING] had 1 minute; the gentleman from Alaska [Mr. YOUNG] had 15 minutes; the gentleman from New Jersey [Mr. ROE] had 15 minutes; and the gentleman from Minnesota [Mr. STANGELAND] had 15 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Chairman, I yield such time as he may consume to the gentleman from Montana [Mr. MARLENEE].

Mr. MARLENEE. Mr. Chairman, I would like to speak in favor of H.R. 3082, the Emergency Wetlands Resources Act.

H.R. 3082 will authorize a \$75 million increase in the wetlands conservation fund for the next 10 years; it also increases funds to the migratory bird conservation fund by allowing new admission fees to certain wildlife refuges and by gradually raising the price of the duck stamp from \$7.50 to \$15 over a 5-year period.

Mr. Chairman, the funds generated by this legislation will be used to purchase on a willing seller/willing buyer basis productive waterfowl habitat. I am particularly excited about this proposal because my district contains some of the best migratory bird habitat in the world. Last year the Prairie Potholes, which cover 15,000 square miles in eastern Montana, produced 4,300 ducks and 2,100 geese just on Bureau of Land Management land. And 1983 was a bad year for waterfowl production because of the severe drought that has plagued my district.

Mr. Chairman, H.R. 3082 is a timely bill. The Department of Interior and Ducks Unlimited recently signed a memorandum of understanding which help to protect and restore waterfowl nesting areas. Under the agreement, Ducks Unlimited will fund projects like water control structures and nesting islands to improve wetlands that the Department of Interior acquires. In fact, one of the first of such projects will occur in my district at the Big Lake complex just north of Billings, MT.

Mr. Chairman, we must applaud not only this new effort by Ducks Unlimited to improve wildlife habitat, but also

its previous contributions to conservation. Since 1937, Ducks Unlimited has raised \$237 million to protect and enhance 3.2 million acres in Canada and 50,000 acres in Mexico. And, Ducks Unlimited did it using no lawsuits and no political pressure.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Chairman, I thank my good friend from Alaska [Mr. YOUNG] for yielding me 5 minutes.

Mr. Chairman, H.R. 3082, the Emergency Wetlands Resources Act, is intended to promote the conservation of migratory waterfowl through the acquisition of wetlands and other essential habitat. I strongly support this objective, and for that reason regret that I cannot support this measure unless title IV, the Oregon Inlet provision, is stricken.

As the title of this act suggests, an "emergency" in wetlands conservation does indeed exist. Almost half of the 215 million acres of wetlands estimated to have existed before the discovery of this continent have disappeared. The continued need for agricultural land and increased urban expansion have contributed heavily to this loss of wetlands. Between the 1950's and 1970's, the net average loss of wetlands was 458,000 acres. An estimated 450,000 acres of wetland habitat continue to disappear each year under the pressure of residential and economic development.

To address this problem, the Federal Government has taken an active and direct role in the preservation and conservation of our Nation's wetlands. I strongly believe that this Federal commitment should continue.

As a member of the Migratory Bird Conservation Commission, I have personally participated in the acquisition and preservation of thousands and thousands of acres of wetlands. Through duck stamp revenues—now estimated at \$14.5 million annually—more than \$270 million has been raised for wetlands conservation over the past 50 years, and some 3.5 million acres of waterfowl habitat have been purchased.

Even though these accomplishments are significant, much remains to be done. The current goal of the U.S. Fish and Wildlife Service is to preserve another 1.6 million acres of key wetland habitat by 1986. To meet this challenge, there must be a significant and continuing Federal commitment. The legislation under consideration today—at least the first three titles—represents a step in the right direction.

It is both unfortunate and ironic that title IV, which would permit construction to go forward on an environmentally destructive Corps of Engineers project at Oregon Inlet, NC, should be attached to a measure in-

tended to preserve our natural resources. An amendment to strike title IV will be offered by Mr. SEIBERLING, the chairman of the Interior Subcommittee on Public Lands and National Parks, and I urge my colleagues to support that amendment.

Mr. Chairman, the project proposed by the Corps of Engineers would involve the construction of two rock jetties, 18 feet wide and 1 mile long, on either side of Oregon Inlet. One jetty would be anchored on the Cape Hatteras National Seashore, and one on the Pea Island National Wildlife Refuge.

In 1983, Interior Secretary James Watt stated that he could not permit—I imagine Jim Watt said this. Listen to this: Jim Watt said that he could not permit these public lands to be used for the jetty project because such use would be incompatible with public lands policy. This decision has been adopted by Secretary Clark as well.

Frankly, I find it curious that this House would even consider overturning one of the Reagan administration's most outstanding proenvironmental actions.

The Interior Department's determination that the proposed jetties would be detrimental to the adjacent national seashore and wildlife refuge was soundly based upon substantive law. None of the supporters of the project has challenged the legal validity of the decision, or provided any substantive justification for legislating a special exception to the Department's permit process for the benefit of this particular project.

Substantively, the Oregon Inlet project would be an environmental and economic disaster. The Outer Banks of North Carolina are part of America's fragile and dynamic barrier island chain. In fact, it was the untamed grandeur of the Outer Banks that led to the establishment of the Cape Hatteras National Seashore.

Scientific evidence is overwhelming that the proposed jetties would cause havoc by inducing serious to drastic erosion of the sandy beaches extending for miles beyond the project site. Recreational use of Oregon Inlet would be degraded not only for summer beachcombers, but also for fishermen who know this to be one of the most important surf fishing areas in the Nation—particularly in the spring and fall. In addition, construction and maintenance of the jetty extending from the Pea Island Wildlife Refuge would have a detrimental effect on wildlife management efforts at that facility.

Mr. Chairman, there are also serious economic problems with this project. In 1982, the Corps of Engineers was forced to admit that a "fundamental error" had been made in the economic analysis of this project, resulting in an

overstatement of the project benefits by some 70 percent. After correcting that error, the project had a benefit/cost ratio of only 0.34 to 1.0.

□ 1100

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. CONTE] has expired.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 1 additional minute to the gentleman from Massachusetts.

Mr. SEIBERLING. Mr. Chairman, I also yield the gentleman 1 additional minute.

The CHAIRMAN. The gentleman from Massachusetts [Mr. CONTE] is recognized for 2 additional minutes.

Mr. CONTE. I thank the gentlemen for yielding me this additional time.

Mr. Chairman, for 16 months, the Corps of Engineers labored to recook the books in an effort to justify the nearly \$100 million cost of this project. Last month the new study was released, and it looks like it will turn out to be as fundamentally flawed as the original study.

First of all, the study double counts by crediting to the jetties both a cost saving from reduced dredging and benefit gains from increased fish catches that are supposed to result from an improved channel. Intensive dredging or dual jetties would each alone provide an adequate channel for increased fish catches; counting both provides an understatement of project costs of over \$2.5 million per year.

In addition, the study vastly overestimates the likely increase in fish catches. I was particularly disturbed by the claim that an increase of 130,000 pounds of striped bass would be brought in annually after the completion of this project.

There is a bill coming out here to stop the catching of striped bass because it is becoming an endangered species. So how in the world are 130,000 pounds of a fish that is going to be illegal to catch be caught? Ridiculous.

Striped bass—once a prime game fish up and down the east coast—is a very distressed species today. In fact, striped bass population have declined 90 percent in the last 10 years. Many observers are arguing that it is foolhardy to allow any further commercial exploitation of the striped bass, and I am inclined to agree.

As I said, legislation is pending before the House that would impose Federal restrictions on catching striped bass. The State of Maryland has recently banned the taking of striped bass, and in fact North Carolina itself has proposed an offshore waters limit of 500 stripers for 1984.

Under these conditions, projecting any kind of increase in commercial catches of striped bass seem speculative, if not irrational. Once the value of the phantom striped bass, scallops,

and bluefish have been reduced to a more realistic level, the benefits to be obtained from this project drop way below the costs.

At a time when we are facing \$200 billion deficits, we can hardly afford to proceed with projects that cannot survive the most basic kind of economic analysis. It is especially inappropriate when a perfectly feasible alternative—intensive dredging—can maintain a perfectly adequate channel at about one-fourth the cost of this environmental outrage.

Mr. Chairman, I urge that my colleagues support the Seiberling amendment to strike title IV from the bill, so that we can proceed with the conservation of our valuable wetland resources.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would suggest respectfully that after the muddying of those waters by that great presentation, we will be lucky if there are any striped bass left.

We have to know this bill has nothing to do with the striped bass. We have to also recognize right now the area is losing 8.8 acres a year through natural erosion. The 150 acres everybody talks about saving will be gone by nature's hand anyway.

We are talking about, very frankly and very honestly, an attempt to save the Oregon Inlet and to make it safe for human life. We hear a great deal about the cost. Right today we are spending \$4 million—\$4 million—a year to dredge it. If we look at the total cost over a period of time and the saving of lives, the elimination of title IV would be wrong for the Oregon Inlet, and we have to keep that provision in this bill.

Mr. ROE. Mr. Chairman, I yield myself such time as I may consume.

Mr. SEIBERLING. Mr. Chairman, will the gentleman from New Jersey yield to me, because I think the record needs to be corrected.

Mr. ROE. Yes, of course. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

Mr. Chairman, the gentleman from Alaska [Mr. Young] has just made the statement that this bill has nothing to do with striped bass. I would like to call the gentleman's attention to the fact that the so-called cost-benefit review that the Corps of Engineers used, among other things, attempts to justify the cost of this boondoggle by saying that the harvest of striped bass will increase by 130,000 pounds because of the project; whereas, as the gentleman from Massachusetts [Mr. CONTE] has just pointed out, the Committee on Merchant Marine and Fisheries just completed consideration of a bill, H.R. 5492, to protect the striped

bass along the whole Atlantic seaboard because of a population decline.

I just thought the record ought to be corrected.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentlemen yield?

Mr. ROE. May I remind the gentleman that I have the time. I think that we all have our time in our respective committees and ours is limited, so I would like to yield no further at this moment.

The CHAIRMAN. The gentleman from New Jersey [Mr. ROE] has the time.

Mr. ROE. Mr. Chairman, I rise in support of H.R. 3082, the Emergency Wetlands Resources Act of 1983.

This bill was reported by the Committee on Merchant Marine and Fisheries on October 25, 1983. It was sequentially referred to the Committees on Interior and Insular Affairs and Public Works and Transportation because of the addition of the addition of title IV which concerns a Corps of Engineers navigation project and a national seashore and wildlife refuge area.

The navigation project involved is the project for Manteo (Shallowbag) Bay, NC, authorized by the Rivers and Harbors Act of 1970. The project includes maintenance of a channel through Oregon Inlet which is used for access by commercial fishermen in the area. It also includes construction of jetties on either side of the inlet on lands of the Cape Hatteras National Seashore and Pea Island National Wildlife Refuge in order to control sedimentation which blocks the inlet.

The National Wildlife Refuge System Administration Act permits this type of activity on a refuge if it is found to be compatible with the purposes for which the unit was established. In a compatibility statement regarding issuance of a Department of the Interior permit for jetty construction and dredged material placement on the refuge, the Fish and Wildlife Service concluded that the project, as currently proposed, is not compatible with the purpose for which the refuge was established. Consequently, no right-of-way permit can be issued under existing authority to the corps. In addition, under existing law, the National Park Service does not have the authority to allow jetty construction on the seashore. H.R. 3082 would authorize the Army Corps of Engineers to use this land to carry out the project at Manteo Bay.

The bill, as reported by the Committees on Public Works and Transportation and Interior and Insular Affairs, also provides that no funds may be expended to carry out the project unless a benefit-cost analysis is first prepared by the Corps of Engineers and the analysis discloses a favorable cost-benefit ratio for the project.

In order to protect the national wildlife refuge and the national seashore, the bill also requires that the Secretary of the Army, in consultation with the Secretary of the Interior, shall, to the extent practicable and consistent with the construction and continued operation of the Manteo Bay project, carry out the project in such manner as to: First, maintain the essential integrity of the Pea Island National Wildlife Refuge and the Cape Hatteras National Seashore; and second, ensure that adverse impacts to the uses and purposes of the Pea Island National Wildlife Refuge and the Cape Hatteras National Seashore are avoided, if possible, or minimized, and that, if the Secretary of the Army finds appropriate, unavoidable adverse impacts are mitigated.

Mr. Chairman, the bill being considered incorporates the amendments adopted by our committee and the Interior and Insular Affairs Committee, and I therefore urge its passage.

Mr. Chairman, I now yield 5 minutes to the distinguished gentleman from Louisiana [Mr. BREAU].

Mr. BREAU. I thank the gentleman for yielding this time to me.

Mr. Chairman, I would only say that this is a fairly simple, basic bill that does something that I think everyone can agree with. We have a provision that has been added to the bill which I think is one that is the subject of controversy concerning the legislation.

Basically, the bill is one that we can all stand up and vote for and be very proud of what we are doing. It increases the funds that are available for the acquisition of wetlands. All of the testimony in our committee indicated that is a tremendously serious problem that all States are facing, and that is the loss of their wetlands.

My own State of Louisiana has about 25 percent of all of the wetlands in the whole United States. What is happening in Louisiana is typical of what is happening in other States, and that is that we are estimated to lose about 40 square miles per year to erosion. Can my colleagues imagine if every State, every district, was losing 40 square miles per year, it would not take too long before our States would be rapidly shrinking. I am concerned that my district, which is not on the coastline, unless something is done, I will end up representing Shreveport in the northern part of the State.

This bill is aimed at trying to rectify that. It does that by putting more money into the wetlands acquisition fund to allow for the Federal Government and the State governments to acquire these lands and to do something to protect them; not to develop them, not to continue to do things that would allow the erosion which we are trying to stop. It does it by two simple ways.

No. 1, everybody should realize that we are increasing the price of the duck stamp from \$7.50 to \$15. Everybody who wants to buy a duck stamp who wants to hunt, or who wants to buy it for purposes of putting money into the program, is going to have to pay more for the duck stamp. I did a poll in my congressional district and I got back an 80-percent favorable response to, "Are you willing to pay more for the duck stamp?"

We are doing it over a 5-year period. We are phasing it in. I do not think any hunter, if he knows the money is going to be used for the acquisition of land, has any problems with ultimately paying \$15.

We also levy a fee for those who want to visit a refuge, because we feel that they should also, keeping in mind the user concept, be willing to pay a little bit for the right to use that refuge whether it is for bird watching or whether it is for hiking or camping, or for whatever purpose they would like to enjoy the refuge.

So we are going to create a large pot of money to be used to buy wetlands to help prevent them from being eroded and prevent their rapid loss which we are seeing at the present time.

□ 1110

The only controversial piece that has been attached to this legislation, I would say, is one that is controversial but has been approved by three committees in the Congress. We can never be put in the position of saying, "I can't vote for that because it is somewhat controversial." Most things we do in the Congress are somewhat controversial.

The Oregon Inlet is a controversial add-on to this bill, but I would say to the Members of the House that the three committees which have had hearings and have listened to the testimony have heard the biologists and wildlife experts and the corps testify on this project and have said that they support it. That is three committees. It was not unanimous, but three committees in the Congress have approved this Oregon Inlet project.

What is it? It basically authorizes the construction and allows for the construction of some jetties—rocks, stones, if you will—to be constructed off the coast of North Carolina to allow fishing vessels and recreational vessels to be able to come into the coastline without being sunk, without being wrecked, without sinking, as the testimony has indicated has happened.

Is that going to cause some wildlife problems? Probably so. Is it going to destroy all the wildlife and the striped bass? Of course not.

Can we do it and carefully balance the good with the bad? I think we can. Three committees in the Congress have said so.

Some argue, "Well, it is near a wildlife refuge." Of course. My congressional district, which is on the coast of Louisiana, has three wildlife refuges. They are in my congressional district. Two are Federal, and one is State. I have several jetties along the coast of Louisiana that are constructed out into the Gulf of Mexico to allow for safe shipping and safe transportation. Do they affect the refuges? Probably. Have they destroyed the refuges? Of course not. The refuges in my area are probably some of the finest of any in the country. They certainly support more of the wildlife and waterfowl than any that I think any other Member can proudly point to in any other district.

So I think what we have here is a good bill that we can all support. It has a provision which is controversial, but three committees in the Congress have looked at it carefully and those three committees have approved it. I think it can be constructed in a manner that will protect the wildlife and yet allow for human safety. We are talking about balancing human concerns with waterfowl concerns, and we cannot have everything all the way we want it. This is a balanced bill, and I think it is one that we can clearly support.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. BREAU. I am glad to yield to the gentleman from Texas.

Mr. PICKLE. Mr. Chairman, I think the gentleman makes a very compelling argument. It seems to me that this is an ongoing project and one that ought to be continued.

Inasmuch as this bill has been approved by three committees, is it not also true that at some point later it must go before the Committee on Appropriations? So it is not an automatic granting of funds: it just allows the continuation of the project. We are not committing ourselves to something new or over our heads, but basically are reiterating an earlier decision.

Mr. BREAU. The gentleman is correct. This is not any appropriation of funds obviously.

Mr. PICKLE. Mr. Chairman, I cannot understand why we would want to make this kind of a change on an ongoing program. I think the gentleman makes a very strong case, and I think his position should be supported.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. BREAU] has expired.

The Chair recognizes the gentleman from Minnesota [Mr. STANGELAND].

Mr. STANGELAND. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to rise in strong support of H.R. 3082, the Emergency Wetlands Act of 1983.

We spent approximately 5 hours in the Water Resources Subcommittee of the Committee on Public Works and Transportation hearing testimony on Oregon Inlet, the controversial section of this bill. Let me say that that testimony was excellent, both by the opponents and the proponents. I do not think there were any questions left unanswered.

We are very much in support of this legislation. We are very much in support of the Oregon Inlet feature, and I think this bill deserves passage. As has been said, this bill, with the Oregon Inlet feature, has passed three different committees.

I would also like to add a comment about something that came out in debate yesterday. It was said that one of the members, Mr. MARTIN of North Carolina yesterday was erroneous in some of his statements. Let me say that in the testimony we had in those 5 hours, I question if there was anything erroneous in the comments of our colleague, Mr. MARTIN. There may have been a difference in perception between two different viewpoints of the two gentlemen discussing the Oregon Inlet. But I do not know of anyone who has worked harder or knows more about the Oregon Inlet question than the gentleman from North Carolina, Mr. JIM MARTIN, unless it might be the other gentleman from North Carolina [Mr. JONES], the chairman of the Committee on Merchant Marine and Fisheries. Both gentlemen are certainly concerned, aware, and knowledgeable on Oregon Inlet, and I would like to have the record show that both have been very stalwart in support of the project and have really studied the issue.

Mr. Chairman, I am pleased to rise in support of H.R. 3082, the Emergency Wetlands Act of 1983.

The bill deals primarily with wetland matters under the jurisdiction of the Committee on Merchant Marine and Fisheries. The version reported from that committee on September 22 of last year also contained authority relating to the Manteo Bay project of the Corps of Engineers. Therefore, the Committee on Public Works and Transportation and the Subcommittee on Water Resources, of which I am the ranking member, obtained jurisdiction.

The project, commonly known as Oregon Inlet, was authorized in 1970. It consists of, among other things, deepening the inlet channel to 20 feet and stabilizing the inlet with two jetties and sand-bypassing facilities. The project's purpose is to protect an important inlet through the Outer Banks of North Carolina. Pumping sand around the jetties is intended to improve project functioning and to assure the natural movement of sand southward to protect the national seashore and the national wildlife refuge

which lie on each side of the inlet. The project has been delayed primarily because the Department of the Interior has declined to grant required permits on the grounds that it lacks adequate authority to allow the Corps to build the project on park and refuge lands.

Title IV, which was added to H.R. 3082 in the Committee on Merchant Marine and Fisheries, authorizes use of the approximately 150 acres of lands needed for the project.

The Water Resources Subcommittee held a hearing on February 7, 1984, on title IV of H.R. 3082. Witnesses included the Corps of Engineers, the Department of the Interior, and various individuals and organizations interested in the legislation. During this hearing, some testimony was presented by opponents of the project questioning the project's cost-benefit ratio. Other witnesses asserted that, not only does the project have a favorable cost-benefit ratio, but it is also needed for reasons related to safety and engineering feasibility.

During markup of H.R. 3082 in March of this year, the committee added a provision that prohibits funding for the Oregon Inlet project until a cost-benefit analysis for the project has been prepared and that analysis reveals a favorable cost-benefit ratio. This amendment was offered to provide assurance that the project will be economically viable before funds are spent on its construction. I understand that since our committee reported this bill such an analysis has been performed and a favorable cost-benefit ratio obtained.

The recent devastating impacts of Hurricane Diana provide clear and convincing evidence of the need for the kind of project that can proceed under H.R. 3082.

Mr. Chairman, I believe this bill deserves passage and I urge my colleagues to join me in voting for it.

Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina [Mr. MARTIN].

Mr. MARTIN of North Carolina. Mr. Chairman, I thank the gentleman from Minnesota [Mr. STANGELAND] very much for yielding to me.

Mr. Chairman, I want to say that a few moments ago we were entertained by remarks from the gentleman from Massachusetts, who talked about his views of what will or will not happen, and I will simply say that in my view his remarks poured a lot of silt into the debate at hand. Our fishing boats only catch what is there. We are not going to catch fish that are not there.

The Oregon Inlet project poses no environmental threat to the wetland marshes of North Carolina. If it did, the people, and the government, and the Representatives of North Carolina would not be in favor of it. We are in favor of it because we believe that it will be beneficial not only to the wet-

land marshes but to the adjoining beaches and to the lifestyle and livelihood of many of our good people who live there.

It will only have a modest increase in the tidal range of the estuarine Pamlico Sound, which has only about a 1-foot tidal range now.

Let us think about that. Tides are beneficial to marshes. That is why marshes are so fertile. If anything, this project will help by washing and helping to exchange the waters of those marshes.

Some say and continue to say that jetties will not work. Well, it may be that they do not work in Ohio. Jetties do work in North Carolina. For example, just 120 miles or so south of Oregon Inlet is Beaufort Inlet at Morehead City. It does now have dual jetties, and has had for some 40 years. They work. It is navigable to ships. It is dependable, it is reliable. It is a safe inlet, even after a storm. There is no adverse effect to any adjacent beaches north or south of that inlet; 50 miles further to the south is Masonboro Inlet near Wilmington. That is an excellent case in point because for years there was only one jetty on the north side of the inlet and it did not work. The inlet would move back and forth. It meandered, and it was not dependable. It would shoal to within 30 or 40 feet of that jetty unbeknownst to mariners trying to find a safe harbor. It now has dual jetties, and this has beneficially contained and straightened out the natural flows, so that it has naturally cleaned out a safe, dependable channel there at Masonboro Inlet.

Has it affected beaches north and south of Wilmington? No, it has not harmed them at all.

Just recently Hurricane Diana pounded away at the beaches to the north of Masonboro Inlet, and while there was some minimal erosion and there was extensive wind damage, the beaches were not breached. There was not the kind of damage that might have been expected. And there we are talking about 125-mile-an-hour winds, a class 4 hurricane. Diana gave up on the north side of Masonboro Inlet, turned about, came down and pounded away to the south and came in on the beaches south of Masonboro Inlet.

I personally inspected both areas. There was extensive wind damage there, as you would expect from a class 4 hurricane, but the beaches were subject to minimal erosion. The beaches and dunes held.

There has been a beneficial effect there, and there was good foresight shown in building up the natural dunes with grass planting which has helped to strengthen those beaches with substantial dunes which work. The jetties have not been adverse in

their effect. If anything, they have been beneficial.

I have personally navigated all three of those channels, the one with no jetties, the one with one jetty and later with two, and the other with two jetties, and I can say from personal experience, if there is a storm blowing, even if there is a falling tide against incoming waves, you are much more secure in an inlet where you know where the bottom is, when you know where your channel is, than you are trying to find a channel which is dangerous and not stabilized.

So, Mr. Chairman, I urge the Members to consider and reject those arguments that have been put forth which have no merit. Dual jetties may not work in Ohio; they do work in North Carolina. I want to see them work in the district represented by my good friend, the chairman of the committee, the gentleman from North Carolina, Mr. WALTER JONES.

□ 1120

Mr. ROE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Wisconsin [Mr. MOODY].

Mr. MOODY. Mr. Chairman, this is a good bill and everyone debating it I think agrees on that.

The issue before us is strictly title IV, the Oregon Inlet.

First, it should be said at the outset that the Army Secretary has not put his official approval on the cost-benefit calculation, and there are some very good reasons why he has not.

No. 1, the corps' calculation grossly overestimates the catch of fish. One of the increased catches is the striped bass, known as rockfish along the Maryland shore nearby. The corps estimates that the jetties would produce a 130,000-pound increase in striped bass and yet the population of this fish is in crisis state. Maryland has absolutely banned further catching of this fish after December 31 of this year. North Carolina prohibits all catches of striped bass from June 1 to September 30 as the result of the crisis state of its population.

The bluefish, another fish that is supposed to increase so much in its catch, according to the Corps of Engineers, this is an oily fish with a rather short shelf life, and a strictly second choice for most fish eaters. And yet this analysis by the corps projects a 500 percent—a fivefold—increase in the catch of this fish, from 1.6 million to 8 million pounds. The whole east coast catches only 16 million pounds and yet one-half of that total amount is supposed to be caught from the Oregon Inlet, this one spot in North Carolina if we simply build these two jetties. That is a totally unrealistic amount to expect. The market for that kind of increase is not there. The jetties are not the problem.

Croaker, flounder, king mackerel, and greased grey sea trout are also calculated by the corps for great increase. The North Carolina Department of Fisheries told me personally these types of fish are all in a very difficult situation as well and cannot sustain significant additional fishing. These so-called major benefits cited in the corps report are illusory. These fish should not be caught, and could not be sold substantially beyond current levels.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. ROE. Mr. Chairman, I yield 1 additional minute to the gentleman.

Mr. MOODY. The commercial catches on these fish have been declining from their peak period of 1979 through 1980 with existing boat fleets because the populations of these fish are declining. Nonexistence of the jetties is not the reason, and spending \$600 million to build them won't help. New jetties will not create more fish.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. MOODY. With the little time I have, yes.

Mr. SEIBERLING. The bottom line, as I understand it, is that the corps' estimate of a favorable cost-benefit ratio just falls apart upon analysis and actually there is a negative cost-benefit ratio to this process.

Mr. MOODY. Absolutely. If we look closely at the benefits, claimed by the corps, we see that they fall apart.

The actual costs also are far higher than the corps' estimates, making the benefit-cost ratio even worse. For one thing, the corps uses 7% interest rates, when the official interest rate for fiscal year 1985, which we are about to enter in a few days, is 8%. If you use an 8% interest figure, this jetty project immediately falls into the negative category for benefit-cost calculations.

The Federal Government is borrowing money at 13 or so percent and yet the corps calculates the capital cost of the project at only 7% percent. If we use only 8% percent, which is what we must official do for water projects as of October 1, 1985, the project also has a negative benefit-cost result.

Mr. ROE. Mr. Chairman, I reserve the balance of my time.

Mr. STANGELAND. Mr. Chairman, I reserve the balance of my time.

Mr. ROE. Mr. Chairman, would the Chair please advise the managers as to what the time allocation is at this point?

The CHAIRMAN. The gentleman from North Carolina [Mr. JONES] has 15 minutes remaining.

The gentleman from Alaska [Mr. YOUNG] has 16 minutes, plus 7 minutes.

The gentleman from New Jersey [Mr. ROE] has 5 minutes.

The gentleman from Minnesota [Mr. STANGELAND] has 8 minutes remaining.

Mr. JONES of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

One brief statement, if I may. Much has been said about the fishing situation in this particular instance. I did not realize that it was going to be a fishing bill, but the record as we have it is that the total of the striped bass, that the projected cost-benefit ratio contains, the striped bass is only six-tenths of 1 percent of the total estimated cost-benefit ratio.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. Are there any further requests for time?

Mr. STANGELAND. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Chairman, I rise in support of H.R. 3082, the Emergency Wetlands Resources Act. I am from a State where public concern over the erosion of wetlands is at an all-time high.

Since 1850, the State of Florida has lost nearly half its original wetlands. Of 20.3 million acres, only 8 million remain—a 60-percent loss. And this figure continues to dwindle: as of 1973 40 percent of the wetlands in south Florida had been lost.

H.R. 3082 will enable Florida to expand its already active wetlands acquisition programs through the establishment of the wetlands conservation fund. In the last 20 years, Florida has spent over \$350 million acquiring approximately 325,000 acres, much of this wetlands.

Despite new awareness of the importance of wetlands and the dire consequences which result when wetlands erode, the loss continues. This bill will afford States like mine the opportunity to preserve their wetlands for the benefit and enjoyment of all.

Mr. YOUNG of Alaska. Mr. Chairman, I have no other requests for time, and I yield back the balance of my time.

The CHAIRMAN. Would the gentleman from Alaska advise the Chair whether that is on behalf of both committees that the gentleman yields back the time?

Mr. YOUNG of Alaska. As far as I am concerned, Mr. Chairman, let us get on with the amendments. I yield it all back.

Mr. ROE. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, as has been amply expressed here by different speakers, there have been three major committees of the House of Representatives that have been assigned H.R. 3082, the Emergency Wetlands Resources Act of 1983, and all three of those committees have approved and recommended

approval to the House of that legislation.

I think it is important to point out that the bill as reported was sequentially referred, as I mentioned before. We have analyzed this legislation in depth.

The Public Works Committee strongly supports the legislation, particularly as far as the wildlife refuge area is concerned; the work that we are doing in wetlands is critical to our country. We know that. We have been a champion in our committee protecting those areas.

We have looked into the Oregon Inlet situation quite carefully and I think the one gentleman from North Carolina made a comment earlier and the other distinguished chairman has commented, that there is a lot of blue smoke and glass floating around in this body today in reference to the facts involved.

Now, people speak of the idea of jetties. Let me tell you something, if we did not have jetties along the coast of New Jersey on all of our major inlets and our major shores, we would not have any beaches left in New Jersey, literally and figuratively, based upon the technical facts that seem to be so lacking in this House of littoral drift of the sand and the beach buildup that take place along these coasts.

Now, ironically, in our technical evaluation of the jetties to be constructed, they would be protecting the wildlife areas that are involved in this area. We have investigated. We have looked into the issue. All we are simply talking about here is anchoring two major jetties to protect the Oregon Inlet. The Oregon Inlet, if that hurricane had hit that Oregon Inlet, God knows what would have happened to that entire area.

The irony of it is that everybody makes this like it is some great big situation that is a marvel of nature. Both those natural wildlife areas were created by the accretion originally that took place in building up these particular outer islands. That is a matter of fact. So the idea this is going to blow away because we build a jetty is so much nonsense and bunk. It is not true technically. It is not true accurately and has been attested to in testimony we have received before our committee.

The issue before the House of Representatives is whether or not we are going to protect that inlet, which is a key inlet going into that particular sound. It will not deleteriously affect the environment or we would not be supporting it as strongly as we have.

It seems to me it is fundamentally wrong to have people go out 2 days on a boat and in 2 days they come back after fishing and they do not know what the situation is going to be in that channel and there is no way they can tell it.

The testimony is replete with testimony after testimony of the danger of this particular Oregon Inlet unless it is properly protected and properly maintained.

This is an issue that belongs to North Carolina. Around here we have people who come from other States who have all the answers for things that take place in other States and they have never even seen the site or know it.

I begin to resent after 15 years in this House people telling me in my State of New Jersey what we should be doing with our jetties and our needs and our resources, when we have been the leader. We know what we believe to be true in our State, and I say we ought to listen to the people from North Carolina who have a little something to say about running their State. It is other people from inland States who mean well, who present their views, but they do not know the facts that exist in our coastal States.

I think when the House makes its decision, it ought to be a decision made on the facts before the House. It ought to be made on the technical facts that exist and we ought not to be running down every other State simply because we have a figment of imagination that is not true and has not been supported on the floor of this House in any of this testimony before or today.

Therefore, I want to rise again in strong support of the Emergency Wetlands Resources Act of 1983 and intend to speak if I am allocated the time when these amendments come before us.

I yield back the balance of my time, Mr. Chairman.

Mr. STANGELAND. Mr. Chairman, I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to House Resolution 579, the text of the amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD of September 11, 1984, by Representative JONES of North Carolina, shall be considered by titles as an original bill for the purpose of amendment under the 5-minute rule in lieu of the amendments recommended by the Committees on Merchant Marine and Fisheries, Interior and Insular Affairs, and Public Works and Transportation. Each title shall be considered as having been read.

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The CHAIRMAN. The Clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Wetlands Resources Act of 1984".

Mr. JONES of North Carolina. Mr. Chairman, I ask unanimous consent

that the balance of the amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

Mr. SEIBERLING. Reserving the right to object, Mr. Chairman, is it the intention of the committee chairman to go through this bill by title, or to open it up now so that an amendment could be made to strike any title?

Mr. JONES of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from North Carolina.

Mr. JONES of North Carolina. Mr. Chairman, the unanimous consent was that the amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

Mr. SEIBERLING. So an amendment could be offered now with respect to any title?

Mr. JONES of North Carolina. That is correct.

Mr. SEIBERLING. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The text of the amendment in the nature of a substitute, beginning with section 2, is as follows:

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) wetlands play an integral role in maintaining the quality of life through material contributions to our national economy, food supply, water supply and quality, flood control, and fish, wildlife, and plant resources, and thus to the health, safety, recreation, and economic well-being of all our citizens;

(2) wetlands provide habitat essential for the breeding, spawning, nesting, migration, wintering, and ultimate survival of a major portion of the Nation's migratory and resident fish and wildlife, including migratory birds, endangered species, commercially and recreationally important finfish, shellfish, and other aquatic organisms, and contain many unique species and communities of wild plants;

(3) our Nation's migratory bird treaty obligations with Canada, Mexico, Japan, the Union of Soviet Socialist Republics, and under the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, require Federal protection of wetlands used by migratory birds for breeding, wintering or migration, and are needed to achieve and to maintain optimum population levels, distributions, and patterns of migration;

(4) wetlands, and the fish, wildlife, and plants dependent thereon, provide significant recreational and commercial benefits, including—

(A) contributions to a commercial marine harvest valued at over \$10,000,000,000 annually,

(B) support for a major portion of the Nation's multi-million-dollar annual fur and hide harvest, and

(C) fishing, hunting, birdwatching, nature observation, and other wetland-related rec-

reational activities that generate billions of dollars annually;

(5) wetlands enhance the Nation's water quality and supply by serving as groundwater recharge areas, sediment and nutrient traps and chemical sinks;

(6) wetlands provide a natural means of flood and erosion control by retaining water during periods of high runoff, thereby protecting against loss of life and property;

(7) wetlands constitute only a small percentage of the land area of the United States, are estimated to have been reduced by half in the contiguous States since the founding of our Nation, and continue to disappear by hundreds of thousands of acres each year;

(8) certain activities of the Federal Government have inappropriately altered or assisted in the alteration of wetlands, thereby unnecessarily stimulating and accelerating the loss of these valuable resources and the environmental and economic benefits that they provide; and

(9) the existing Federal, State, and private cooperation in wetlands conservation should be strengthened in order to minimize further losses of these valuable areas and to assure their management in the public interest for this and future generations.

(b) **PURPOSE.**—It is the purpose of this Act to promote, in concert with other Federal and State statutes and programs, the conservation of our Nation's wetlands in order to maintain the public benefits they provide and to fulfill international obligations contained in various migratory bird treaties and conventions with Canada, Mexico, Japan, the Union of Soviet Socialist Republics, and with various countries in the Western Hemisphere by—

(1) intensifying cooperative effort among private interests and local, State, and Federal governments for the management and conservation of wetlands; and

(2) intensifying efforts to protect the Nation's wetlands through acquisition in fee, easements, or other interests and methods by local, State, and Federal governments and the private sector.

TITLE I—REVENUES FOR MIGRATORY BIRD CONSERVATION FUND

SEC. 101. ADMISSION FEES AT CERTAIN NATIONAL WILDLIFE REFUGE UNITS.

(a) **DEFINITIONS.**—As used in this section—

(1) The term "admission permit" means a single visit permit provided for in subsection (c)(1)(A) or a group visit permit provided for in subsection (c)(1)(B).

(2) The term "designated unit" means any unit of the National Wildlife Refuge System that the Secretary designates, for purposes of this section, as a unit for which admission permits are required of the public for entry thereto.

(3) The term "duck stamp" means a migratory bird hunting and conservation stamp issued under section 2 of the Act of March 16, 1934 (commonly known as the "Duck Stamp Act", 16 U.S.C. 718b).

(4) The term "related individuals" means, with respect to an individual holding a valid single visit admission permit issued under subsection (c)(1) or an unexpired duck stamp—

(A) all other individuals accompanying such individual in a single, private, noncommercial vehicle at the time of entry into a designated unit; or

(B) if entry into a designated unit is made other than by such a vehicle, the spouse, any child, and any parent accompanying such individual at the time of entry.

(5) The term "Secretary" means the Secretary of the Interior.

(b) **IN GENERAL.**—(1) Notwithstanding the provisions of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-1 et seq.), the Secretary shall charge reasonable fees for admission permits to designated units and shall pay the revenues accruing from the collection of such fees, less 10 per centum thereof which shall be used by the Secretary—

(A) to defray the administrative costs incurred in issuing such permits, and

(B) to carry out the purposes for which the respective designated units were established.

into the migratory bird conservation fund established under section 4 of the Act of March 16, 1934 (16 U.S.C. 718d). The Secretary may also sell, at designated units, Golden Eagle Passports and shall treat the revenues accruing from the sale in the same manner as are fees collected for admission permits under the preceding sentence.

(2) Notices that admission permits issued under this section are required for entry shall be prominently posted at each designated unit and, to the extent practicable, included in appropriate publications of the Department of the Interior.

(c) **ADMISSION PERMITS.**—(1) The Secretary shall have available for sale, and issue upon payment of the required fee, at each designated unit, and at such other locations he deems appropriate, the following permits:

(A) **INDIVIDUAL VISIT PERMITS.**—An individual visit permit for a designated unit authorizes the purchaser thereof and the related individuals unlimited entries into, and exits from, such unit during such period of consecutive days (but not exceeding fifteen consecutive days) as the Secretary considers appropriate taking into account the nature and size of, and other relevant factors pertaining to, the unit.

(B) **GROUP VISIT PERMITS.**—A group visit permit authorizes a group of individuals to make such number of entries into, and exits from, a designated unit within such period of time, and subject to such other terms and conditions, as may be established by the Secretary after taking into account the nature and size of, and other relevant factors pertaining to, the unit and the purposes for which the group visit is made.

(2) The fees charged by the Secretary for admission permits to each designated unit shall be fair and equitable, taking into consideration the direct and indirect cost to the Government, the benefits to the recipient, the public policy or interest served, the comparable fees charged by non-Federal public agencies, and the economic and administrative feasibility of fee collections and other pertinent factors.

(d) **EXCEPTIONS.**—(1) The Secretary may not require an admission permit, nor charge any fee, under this section with respect to the entry into—

(A) any designated unit by—

(i) any individual who has in his possession at time of entry a valid Golden Eagle Passport, Golden Age Passport, or any other lifetime admission permit issued in accordance with section 4(a) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460 1-6a),

(ii) any individual who has in his possession at the time of entry a valid duck stamp issued to him,

(iii) any individual who is a related individual to any individual described in clause (i) and (ii), or

(iv) any individual who has been issued a special permit under subsection (e); or

(B) the Back Bay National Wildlife Refuge, during such time as it may be a designated unit, by any individual who has been issued a special permit under section 3 of Public Law 96-315 for that refuge.

(2) The Secretary may not require an admission permit, nor charge any fee, under this section with respect to travel over any national parkway or any road or highway established as a part of the Federal-aid highway system described in section 103 of title 23, United States Code, which is commonly used by the public as a means of travel between two places which are outside a designated unit.

(e) **SPECIAL PERMITS.**—(1) Upon application therefor, the Secretary shall issue to any individual who is a citizen of the United States, or is domiciled in the United States, and who—

(A) has been medically determined to be blind or permanently disabled for purposes of receiving benefits under any other Federal law; or

(B) at the time of such application is age 62 or older;

a special permit which entitles the individual, during his or her lifetime, to free entry into all designated units.

(2) Upon application therefor, the Secretary shall issue to any individual a special permit which entitles the individual, during such period as may be appropriate, to free entry to a designated unit for purposes to travel to an inholding within the unit.

(3) Upon application therefor, the Secretary may issue to any individual a special permit which entitles the individual, during such period as may be appropriate, to free entry to a designated unit for any nonrecreational purpose considered appropriate by the Secretary.

(4) The Secretary shall issue special permits under this subsection without charge.

(f) **PERMIT CONDITIONS.**—An admission permit or special permit issued under this section—

(1) is valid only with respect to the individual or group to whom it is issued; and

(2) does not authorize such individual or group to engage in any use for which a fee is charged under the Land and Water Conservation Fund Act of 1965.

(g) **REGULATIONS.**—The Secretary shall issue such regulations as are necessary or appropriate to carry out this section.

(h) **REPORTS.**—The Secretary shall submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Environment and Public Works of the Senate no later than March 31 of each year a report on the administration of this section during the period covered by the report including, but not limited to, a list of current designated units, a list of units, if any, being considered for designated status, designated unit capacity and visitation data, the amount and disposition of the fees collected under this section, such other information as the Secretary deems appropriate, and any recommendations the Secretary may have for improving the operation of the admission permit program.

SEC. 102. PRICE OF MIGRATORY BIRD HUNTING AND CONSERVATION STAMPS.

Section 2(b) of the Act of March 16, 1934 (48 Stat. 451; 16 U.S.C. 718b) is amended by striking out "\$7.50" and inserting in lieu thereof "\$10", and by striking out "any hunting year" and inserting in lieu thereof

"hunting years 1984 and 1985, \$12.50 for hunting years 1986 and 1987, and \$15 for each hunting year thereafter."

TITLE II—FEDERAL AND STATE WETLANDS CONSERVATION

SEC. 201. DEFINITIONS.

For purposes of this title—

(1) The term "effective period" means the period beginning on October 1, 1984, and ending on the close of September 30, 1994.

(2) The term "eligible State" means, with respect to any fiscal year, a State that is eligible under section 204 for payment of moneys under an apportionment made under section 203(b) for that year.

(3) The term "enhancement project" means a project (which may include, but is not limited to, construction, fresh-water flow control, or the introduction of appropriate flora) that will establish (other than by acquisition) a wetland, increase the size (other than by acquisition) of an existing wetland, or restore the natural quality of an existing wetland.

(4) The term "fund" means the Wetlands Conservation Fund established under section 208.

(5) The term "preservation project" means a project (which may include, but is not limited to, construction, fresh-water flow control, or the introduction of appropriate flora) that will minimize or prevent the loss of an identified area of a wetland.

(6) The term "Secretary" means the Secretary of the Interior.

(7) The term "State" means any of the several States, the District of Columbia, and the Commonwealth of Puerto Rico and, to the extent practicable may include the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

(8) The term "wetland" means land that is—

(A) transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water; and

(B) generally inundated or saturated by surface or ground water frequently enough, and for long enough duration, to support plant populations or animal populations, or both, which are adapted to the limiting stresses of the environment characterized by saturated soil conditions or conditions of occasional flooding;

and includes, but is not limited to, a tidal or inland marsh, swamp, small pond, pothole, bog, ox bow, pocosin, slough, mudflat, or bottom land hardwood forest.

(9) The term "wetlands acquisition" means the obtaining of a property interest in a wetland or associated area by purchase or lease if the obtaining of such interest contributes appreciably to the long-term preservation of the wetland and the associated populations of fish, wildlife, and plants.

(10) The term "wetland conservation project" means a wetlands acquisition, a preservation project, or an enhancement project.

SEC. 202. NATIONAL WETLANDS PRIORITY CONSERVATION PLAN.

The Secretary, after consultation with the States, shall establish, and periodically review and revise, a national wetlands priority conservation plan which shall specify, on a region-by-region or other basis deemed appropriate by the Secretary, the types of wetlands to which priority should be given with respect to wetlands acquisition and the im-

plementation of preservation projects and enhancement projects. In establishing such priorities, the Secretary shall take into account—

(1) the significance of the loss or threat of loss of the respective types of wetlands; and
(2) the contributions which the respective types of wetlands make to—

(A) wildlife, including endangered and threatened species, migratory birds, and resident species,

(B) commercial and sport fisheries, and
(C) surface and groundwater quality and quantity, and flood control.

SEC. 203. ALLOCATION AND APPORTIONMENT OF AMOUNTS AVAILABLE TO CARRY OUT THIS TITLE.

(a) Of the sum appropriated for any fiscal year under section 209—

(1) such percentage of that sum (but not more than 66% per centum thereof) as is considered appropriate by the Secretary, less such amount (but not more than 4 per centum of such percentage) considered necessary by the Secretary to defray the costs of administering sections 202 through 207 during such fiscal year, shall be apportioned by him among eligible States in accordance with subsection (b); and

(2) the remainder of such sum after paragraph (1) is applied shall be retained by the Secretary for expenditure by him to carry out Federal wetlands acquisitions that are consistent with the wetlands priority conservation plan established under section 202.

Each wetland acquired by the Secretary under paragraph (2) shall be included within the National Wildlife Refuge System.

(b) The moneys allocated under subsection (a)(1) for any fiscal year during the effective period shall be apportioned by the Secretary among the eligible States a follows:

(1) 50 per centum thereof shall be apportioned on the basis of the ratio, as determined by the Secretary, which each eligible State's expenditure of funds (other than Federal funds) for wetlands conservation projects in that State bears to the total amount of funds (other than Federal funds) expended by all eligible States for wetlands conservation projects in such States in that year. As used in this paragraph, the term "year" means the most recent year for which the calculation of such funds, for purposes of this paragraph, is practicable.

(2) 50 per centum thereof shall be apportioned to eligible States consistent with the national wetlands priority conservation plan established under section 202.

Apportionments made under this subsection shall be adjusted so that no eligible State is apportioned less than one-half of 1 per centum of the total amount available for apportionment under this subsection in any fiscal year.

SEC. 204. ELIGIBILITY OF STATES FOR PAYMENT UNDER APPORTIONMENTS.

(a) A State is eligible for payment of moneys under an apportionment made under section 203(b) if—

(1) the Secretary determines that a wetlands conservation plan submitted to him by the State—

(A) is comprehensive and will ensure the perpetuation of wetland resources,

(B) was prepared with opportunity for public comment,

(C) is substantial in character and design, and

(D) is in a format required by the Secretary which shall be compatible with stand-

ards and formats required of States for grants administered by the Secretary, particularly the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669 et seq.), Federal Aid in Sport Fish Restoration Act (16 U.S.C. 777 et seq.), and Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901 et seq.); or

(2) the Secretary determines, after opportunity for public comment, that a wetland conservation project submitted to him by the State is substantial in character and design and meets such standards as the Secretary deems appropriate, and the State submits to the Secretary such surveys, plans, estimates, and other specifications for the project as the Secretary may require.

A comprehensive wetlands conservation plan or an individual wetland conservation project with respect to which such a determination is made under paragraph (1) or (2) is an approved plan or approved project for purposes of section 205.

SEC. 205. CONDITIONS RELATING TO APPORTIONMENTS.

(a) The moneys apportioned to an eligible State under section 203(b) may be used for the payment of not to exceed 75 per centum of the costs of (1) any segment of an approved plan, or (2) an approved project, as the case may be.

(b) No payment of any money apportioned under section 203(b) may be made by the Secretary with respect to any approved plan or any approved project unless—

(1) an agreement on the part of the eligible State setting forth its undertakings to implement the plan or project is submitted to, and approved by, the Secretary; and

(2) the Secretary finds that the approved plan segment or approved project has been completed, or is being undertaken, in compliance with such plan or project.

If the conditions in paragraphs (1) and (2) are met, the Secretary shall cause payment to be made to the proper authority of such State.

(c) The Secretary may from time to time make payments on an approved plan segment or approved project as it progresses, but such payments, including previous payments, if any, shall not be more than the United States pro rata share of the segment or project in conformity with the plan or project specifications.

(d) The Secretary may enter into agreements to fund an initial portion of an approved plan segment or approved project and to agree to fund the remaining costs from subsequent apportionments if and when they become available. The liability of the United States under such an agreement is contingent upon the continued availability of funds for the purposes of this section.

(e) Moneys paid to an eligible State under this section shall be applied only to approved plans or approved projects and, if otherwise applied, shall be repaid by the State before it may participate in any further apportionment under this title.

(f) No property acquired or developed with assistance under this title shall, without the approval of the Secretary be converted to other than wetland conservation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive wetlands conservation plan and only upon such conditions as he deems necessary to assure the substitution of other properties of at least equal fair market value or a reasonably equivalent usefulness and location.

(g) No enhancement project of preservation project shall be approved unless the State holds an interest in perpetuity on the wetlands being conserved.

SEC. 206. TREATMENT OF UNOBLIGATED AMOUNTS.

(a) The amount of any apportionment made to an eligible State under section 203(b) for any fiscal year that remains unobligated at the close thereof shall continue to be available to that State for obligation until the close of the succeeding fiscal year.

(b) If any amount to which subsection (a) applies remains unobligated at the close of the two-fiscal year period referred to in that subsection, such amount shall be used by the Secretary in accordance with subsection (c).

(c) During the fiscal year after any two-fiscal year period referred to in subsection (b), the Secretary shall make available—

(1) any, all, or none (as he deems appropriate) of the aggregate of all of the amounts unobligated by eligible States at the close of such period to those eligible States not having unobligated amounts at the close of such period for expenditure to implement wetland conservative projects that are consistent with the national wetlands priority conservative plan established under section 202; and

(2) if all such aggregate is not made available to eligible States under paragraph (1), the balance of such aggregate for expenditure under section 203(a)(2), which balance shall remain available until expended.

Any part of any amount made available under paragraph (1) for any fiscal year that remains unobligated at the close of such year shall be available, until expended, for expenditure under section 203(a)(2).

SEC. 207. REGULATIONS.

The Secretary shall issue such regulations as are necessary or appropriate to carry out this title.

SEC. 208. WETLANDS CONSERVATION FUND.

(a) There is established in the Treasury of the United States a fund to be known as the Wetlands Conservative Fund consisting of the amounts that are transferred to it under subsection (c).

(b) Amounts in the fund shall be available, as provided by appropriations Acts, only for making expenditures to carry out this title.

(c) For each fiscal year within the effective period, there are transferred \$75,000,000 to the fund from the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-5).

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

For each fiscal year within the effective period, there are authorized to be appropriated from the fund to the Department of the Interior \$75,000,000 to carry out this title.

SEC. 210. CONFORMING AMENDMENT.

Section 2(c)(1) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-5(c)(1)) is amended by inserting immediately before "September 30, 1989," the following: "September 30, 1984, and \$975,000,000 for fiscal year 1985 and each fiscal year thereafter through", striking all after the word "thereafter" and inserting the following: "through September 30, 1984, and \$975,000,000 for fiscal year 1985 and each fiscal year thereafter through September 30, 1994."

TITLE III—WETLANDS INVENTORY AND TREND ANALYSIS AND MISCELLANEOUS PROVISIONS

SEC. 301. CONTINUATION OF NATIONAL WETLANDS INVENTORY PROJECT.

(a) IN GENERAL.—The Secretary, acting through the Director of the United States Fish and Wildlife Service, shall continue the National Wetlands Inventory project and shall—

(1) produce, by September 30, 1987, National Wetlands Inventory maps for the areas that have been identified by the Service as top priorities for mapping, including the entire coastal zone of the United States, floodplains of major rivers, and the Prairie Pothole region;

(2) produce, by September 30, 1989, National Wetlands Inventory maps for those portions of the contiguous United States for which maps have not been produced earlier;

(3) produce as soon as practicable, National Wetlands Inventory maps for Alaska and other noncontiguous portions of the United States; and

(4) produce, by September 30, 1985, and at ten-year intervals thereafter, reports to update and improve the information continued in the report dated September 1982 and entitled "Status and Trends of Wetlands and Deepwater Habitat in the Conterminous United States, 1950's to 1970's".

(b) NOTICE.—The Secretary shall notify the appropriate State and Local units of government at such time as he proposes to begin map preparation under subsection (a) in an area. Such notice shall include, but is not limited to, an identification of the area to be mapped, the proposed schedule for completion, and the identification of a source for further information.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of the Interior the following sums, to remain available until expended:

(1) \$14,500,000 for each of the fiscal years occurring in the period beginning on October 1, 1984, and ending at the close of September 30, 1987, to carry out subsection (a)(1).

(2) \$6,750,000 for each of the fiscal years occurring in the period beginning on October 1, 1987, and ending at the close of September 30, 1994, to carry out subsection (a)(2) and (3).

(3) \$900,000 for each of the fiscal years occurring in the period beginning on October 1, 1984, and ending at the close of September 30, 1996, to carry out subsection (a)(4).

SEC. 302. WETLANDS LOSS REPORT TO CONGRESS.

(a) IN GENERAL.—The Secretary shall, by September 30, 1985, prepare and submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Environmental and Public Works of the Senate a report regarding wetlands losses in the United States.

(b) REPORT CONTENTS.—The report required under

(1) an analysis of the causes of wetlands destruction and degradation;

(2) a compilation and analysis of Federal statutory and regulatory mechanisms, including expenditures and financial assistance, which induce wetlands destruction or degradation;

(3) a compilation and analysis of Federal expenditures resulting from wetlands destruction and degradation;

(4) an analysis of the environmental and economic impacts (including, but not limited to, the impact on property values and local economic impacts) of eliminating or re-

stricting future Federal expenditures and financial assistance, whether direct or indirect, which have the effect of encouraging the destruction or degradation of wetlands, including but not limited to: public works expenditures; assistance programs such as price-support programs, commodity loans and purchase programs, and disaster assistance programs; soil conservation programs; and certain income tax provisions;

(5) an analysis of the environmental and fiscal impact of failure to restrict future Federal expenditures and financial assistance which have the effect of encouraging the destruction or degradation of wetlands, including but not limited to: assistance for normal Silviculture activity (such as plowing, seeding, planting, cultivating, minor drainage, or harvesting for the production of fiber or forest products); Federal expenditures required incident to studies, evaluations, design, construction, operation, maintenance, or rehabilitation of Federal water resource development activities, including channel improvements; the commodity loans and purchases program, and cotton, feed grain, wheat, and rice production stabilization programs administered by the Department of Agriculture; Federal expenditures for the construction of publicly owned or publicly operated highways, roads, structures, or facilities that are essential links in a larger network or system; and general revenue-sharing grants made under section 102 of the State and Local Fiscal Assistance Amendments of 1972 (31 U.S.C. 1221); and

(6) recommendations for the conservation of wetlands resources based on an evaluation and comparison of all management alternatives, and combinations thereof, such as State and local actions, Federal actions, and initiatives by private organizations and individuals.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$1,000,000 to carry out the provisions of this section, which sum shall be available until expended.

SEC. 303. WETLANDS LOAN ACT.

Section 3 of the Wetlands Loan Act (16 U.S.C. 715k-5) is amended by striking out the first three sentences thereof.

SEC. 304. MIGRATORY WATERFOWL AREA ACQUISITION.

Section 7(a)(1) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9(a)(1)) is amended by striking out "except migratory waterfowl areas which are authorized to be acquired by the Migratory Bird Conservation Act of 1929, as amended".

TITLE IV—PROVISIONS AFFECTING FEDERAL LANDS AT MANTEO BAY, NORTH CAROLINA

SEC. 401. MANTEO BAY PROJECT.

(a) COST-BENEFIT RATIO REQUIRED.—Notwithstanding any other provision of law, no funds may be expended to carry out the project at Manteo (Shallowbag) Bay, North Carolina (authorized by section 101 of the River and Harbor Act of 1970 and hereinafter referred to as the "Manteo Bay project") unless a cost-benefit analysis of the Manteo Bay project is first prepared by the Secretary of the Army, acting through the Chief of Engineers, and that analysis discloses a favorable cost-benefit ratio regarding that project.

(b) USE OF CERTAIN FEDERAL LANDS.—Notwithstanding any other provision of law, the Secretary of the Army, acting through the Chief of Engineers, is authorized to use land within the boundaries of the Cape Hatteras

National Seashore and land within the boundaries of the Pea Island National Wildlife Refuge which he determines to be necessary to carry out the Manteo Bay project.

(c) **EFFECTS OF USE.**—In implementing the authority under subsection (b), the Secretary of the Army, in consultation with the Secretary of the Interior, shall, to the extent practicable and consistent with the construction and continued operation of the Manteo Bay project, carry out the project in such manner as to (1) maintain the essential integrity of the Pea Island National Wildlife Refuge and the Cape Hatteras National Seashore; and (2) ensure that adverse impacts to the uses and purposes of the Pea Island National Wildlife Refuge and the Cape Hatteras National Seashore are avoided, if possible, or minimized, and that, if the Secretary of the Army finds appropriate, unavoidable adverse impacts are mitigated.

AMENDMENTS OFFERED BY MR. JONES OF NORTH CAROLINA

Mr. JONES of North Carolina. Mr. Chairman, I offer a series of technical amendments.

The Clerk read as follows:

Amendments offered by Mr. JONES of North Carolina: Proposed section 2(a)(4)(A) is amended by striking out "over \$10,000,000,000" and inserting "several billion dollars".

Proposed section 101(a)(4) is amended by striking out "(c)(1) or an unexpired duck stamp—" and inserting "(c)(1)(A) or a valid passport, permit, or duck stamp referred to in subsection (d)(1)(A) (i) or (ii)—".

Proposed section 101(d)(1)(A) is amended—

(1) by striking out "4601-6a" in clause (i) and inserting "4601-6a", and

(2) by amending clause (iii) to read as follows:

"(iii) any related individual, or".

Proposed section 101(e)(2) is amended by striking out "purposes to" and inserting "purposes of".

Proposed section 101(f)(2) is amended by inserting "is" after "fee".

Proposed section 102 is amended by striking out "1984 and 1985," and inserting "1985 and 1986,"; and by striking out "1986 and 1987," and inserting "1987 and 1988,".

Proposed section 201(9) is amended by striking out "or lease".

Proposed section 202 is amended by striking out "conversion plan" and inserting "conservation plan".

Proposed section 203(b)(2) is amended by striking out "apportioned" and inserting in lieu thereof "apportioned".

Proposed section 204 is amended—

(1) by inserting "such" before "standards" in subsection (a)(2); and

(2) by designating the last sentence as subsection (b) and by striking out "paragraph" in that sentence and inserting "subsection (a)".

Proposed section 206(c) is amended—

(1) by striking out "conservative" each place it appears in paragraph (1) and inserting in lieu thereof "conservation"; and

(2) by striking out "all such" in paragraph (2) and inserting in lieu thereof "all of such".

Proposed section 208 is amended—

(1) by striking out "Conservative" in subsection (a) and inserting "Conservation";

(2) by striking out "appropriations" in subsection (b) and inserting in lieu thereof "appropriation"; and

(3) by striking out "4601-5" in subsection (c) and inserting "4601-5".

Proposed section 210 is amended—

(1) by striking out "4601-5" and inserting "4601-5"; and

(2) by striking out "inserting immediately before 'September 30, 1989,' the following: 'September 30, 1984, and \$975,000,000 for fiscal year 1985 and each fiscal year thereafter through'".

Proposed section 301(a)(4) is amended by striking out "September 30, 1985," and inserting "March 31, 1986".

Proposed section 302 is amended—

(1) by striking out "September 30, 1985," in subsection (a) and inserting "March 31, 1986, after consultation with other appropriate federal agencies,";

(2) by inserting "subsection (a) shall contain—" after "The report required under" in the matter preceding subsection (b)(1); and

(3) by striking out "Silviculture" in subsection (b)(5) and inserting "silviculture".

Proposed section 304 is amended by striking out "4601-9" and inserting "4601-9".

Mr. JONES of North Carolina (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read, printed in the RECORD, and considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Chairman, these amendments are all technical and conforming in nature. A number of them are to correct printing errors in the bill. We have also had to change some of the dates referred to in the bill because of the passage of time since the bill was reported from committee. For example, the bill requires an increase in the price of the duck stamp for the 1984/1985 hunting season. Since those stamps have already been printed, and, indeed, many hunters have already purchased their stamps, the increase must be put off for a year. For the same reason, we have deferred the dates for completion of studies on wetland loss contained in the bill.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. JONES of North Carolina. I am happy to yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, are these the amendments that have been previously discussed between the staff of the Merchant Marine and Fisheries Committee and the staff of the Interior and Insular Affairs Committee?

Mr. JONES of North Carolina. Yes, sir, the exact same things. These are strictly technical.

Mr. SEIBERLING. I thank the gentleman, and I have no objection to the amendments.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. JONES of North Carolina. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, the minority side has no objections to the amendments. They have

been cleared with all staff members and we have all looked at them, so we are all in agreement with the technical amendments.

The CHAIRMAN. The question is on the amendments offered by the gentleman from North Carolina [Mr. JONES].

The amendments were agreed to.

AMENDMENT OFFERED BY MR. JONES OF NORTH CAROLINA

Mr. JONES of North Carolina. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES of North Carolina: Proposed section 302 is amended—

By amending subsection (b)(4) to read as follows:

(4) an analysis of the environmental, fiscal and economic impacts (including, but not limited to, the impact on property values and local economic impacts) of future Federal expenditures and financial assistance, or the elimination of Federal expenditures and financial assistance, whether direct or indirect, which affect wetlands, including but not limited to: public works expenditures; assistance programs such as price-support programs, commodity loans and purchase programs, and disaster assistance program; soil conservation programs; and certain income tax provisions;

By striking subsection (b)(5); and

By renumbering subsection (b)(6) as (b)(5).

Mr. JONES of North Carolina (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

Mr. SEIBERLING. Mr. Chairman, reserving the right to object, has this amendment been cleared with the staff of the Interior and Insular Affairs Committee, between the staffs of the two committees?

Mr. JONES of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from North Carolina.

Mr. JONES of North Carolina. I am informed that it has been.

Mr. SEIBERLING. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Chairman, this amendment is essentially technical, designed to accommodate certain jurisdictional concerns raised by the Agriculture Committee. The bill requires the Secretary of the Interior to prepare a study on Federal programs that affect wetlands. This amendment simply adds that the Interior Secretary must consult with other agencies whose programs affect wetlands before issuing the final report. The amendment is intended to make sure that any potential for departmen-

tal bias is eliminated or minimized. The amendment in no way changes the substance of the bill. I want to emphasize that although we have deleted the naming of certain Federal programs that may affect wetlands, this does not mean that these programs should be excluded from the Interior Department study.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word and rise to state that we have no objections to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. JONES]. The amendment was agreed to.

AMENDMENT OFFERED BY MR. SNYDER

Mr. SNYDER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SNYDER: At the end of title III add the following:

SEC. 305. FALLS OF THE OHIO NATIONAL WILDLIFE CONSERVATION AREA.

Section 207 of the Act entitled "An Act to provide for the establishment of the Bandon Marsh National Wildlife Refuge, Coos County, State of Oregon, and for other purposes" (Public Law 97-137) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 207. The Secretary of the Army is authorized to carry out this responsibilities under this title, at an estimated cost of \$1,040,000. Any sums appropriated under this title shall remain available until expended."

Mr. SNYDER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. SNYDER. Mr. Chairman, this amendment seeks to correct problems which have arisen since the enactment of Public Law 97-137 created the Falls of the Ohio National Wildlife Conservation Area. When that legislation passed the last Congress, we estimated that land acquisition cost for the conservation area would be approximately \$300,000. In last year's Energy and Water Appropriations Act the funds were provided to implement the authorization.

However, recently the Corps of Engineers issued a report which revises the estimate for land acquisition costs. The corps estimates that it will now cost \$1,040,000 to fully protect this valuable wetland area.

In order to expedite congressional action on this new estimate I am asking my colleagues to support this amendment so that we may realize the complete protection of this extremely valuable conservation area.

I am joined in offering this amendment by the gentleman from Indiana [Mr. HAMILTON] and the gentleman from Kentucky [Mr. MAZZOLI] who

share my concern for the protection of the Falls of the Ohio National Wildlife Conservation Area.

Mr. Chairman, we urge the adoption of the amendment.

Mr. JONES of North Carolina. Mr. Chairman will the gentleman yield?

Mr. SNYDER. I yield to the chairman of the committee.

Mr. JONES of North Carolina. Mr. Chairman I thank the gentleman for yielding. We have examined the amendment on this side and we have no objection to it whatsoever.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. SNYDER. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. I thank the gentleman.

Mr. Chairman, we have examined the amendment. I want to compliment the gentleman for bringing it to the floor at this time. We have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. SNYDER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SEIBERLING

Mr. SEIBERLING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SEIBERLING: Strike all of title IV.

Mr. SEIBERLING. Mr. Chairman, I wonder if the staff could bring the photographs before us.

My colleagues, it is not with any great sense of pride or any other sense of well-being that I oppose our good friend from North Carolina [Mr. JONES]. We all love him and in fact that is the reason why three committees have approved title IV of this bill. He made a personal appeal to us and on that basis we agreed we were not going to mount major opposition in the committee. We were going to let the House work its will.

So here we are today.

However, let me point out that dissenting views were filed in the Interior and Insular Affairs Committee and signed by Mo Udall, Dick Cheney, Tony Coelho, John McCain, Robert Lagomarsino, Peter Kostmayer, Jim Moody, Bruce Vento, and myself. I do not think that these gentlemen lightly take on the distinguished chairman of the Merchant Marine and Fisheries Committee.

So the fact that our committee did not see fit to try to knock this out in committee does not indicate that there was any great enthusiasm for this particular phase of the project, although we do support the other three titles of this bill very strongly.

Mr. JONES of North Carolina. Will the gentleman yield?

Mr. SEIBERLING. I will be happy to yield.

Mr. JONES of North Carolina. I am under the impression, as a matter of

record, a motion similar to what the gentleman has just offered was offered in his committee and was defeated by a vote of about 22 to 12.

Mr. SEIBERLING. That is correct. But we did not make a concerted effort to try to defeat it. I personally did not try to block it in subcommittee even though I was chairman of the subcommittee, because of out of consideration for the pleas that the gentleman himself made to the members, including this member.

Now the fact is that we are not dealing with a matter that requires authorization at this time by the Public Works and Transportation Committee. The Public Works and Transportation Committee authorized this project in 1970. At that time the estimated cost of these jetties was \$16.5 million. Today the estimated cost just of the capital costs is about \$100 million.

Furthermore, we have learned a great deal about what is happening to our coasts in the intervening 14 years.

□ 1140

The gentleman from New Jersey [Mr. ROE] said that people from Ohio should not be trying to tell other States how to handle their problems, and I do not think that is what we are trying to do. What we are dealing with here is the expenditure of the taxpayers' money which comes from the people of Ohio and all the other States.

Furthermore, the two marine geologists who testified at our hearings as to the disastrous effects on the national seashore of the construction of these jetties were both from North Carolina and practically every newspaper in North Carolina has repeatedly editorialized against this project.

So it is not fair to say that this is something outsiders are trying to tell the State what to do.

Interestingly enough, the latest issue of Newsweek magazine indicated on September 24 in an article entitled "The Vanishing Coast, Seawalls and Jetties Aggravate the Erosion Process." That is the headline, goes on to say this:

The main problem is that the sea level is rising. Since the 1930's oceans have risen at a rate of one and a half feet per century. To grasp what happens as sea levels rise coastal geologists are focusing on the barrier islands.

That is what we are dealing with here.

This picture shows this long, fragile barrier island with the Oregon Inlet in the center of it.

The article goes on to say:

These slender ribbons of sand wend their way along the Atlantic and Gulf coasts and some of America's most beautiful beaches, such as Cape Cod, Atlantic City, Cape Hatteras, Miami Beach and Padre Island. The islands act as shock absorbers for the mainland, bearing the brunt of storms and tides.

They are so good at this because geologists have discovered they can literally roll with the sea's punches. Currents and winds make the islands travel toward the mainland much like the rollover of a tank tread. The result is that the islands merely relocate but with no net loss of beach.

As a matter of fact, this whole barrier island system since 1846 when Oregon Inlet was first blown open by a hurricane, has moved 750 feet shoreward from the ocean. Furthermore, Oregon Inlet has moved also.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. SEIBERLING] has expired.

(By unanimous consent Mr. SEIBERLING was allowed to proceed for 5 additional minutes.)

Mr. SEIBERLING. Furthermore, Oregon Inlet has moved 10,000 feet south, in a southerly direction, as Mr. MARTIN himself yesterday pointed out.

Now, continuing with this article, it goes on to say:

A system that has worked for milleniums geologists are learning does not tolerate human interference too well. Building seawalls along the beaches of the barrier island or even of the mainland has led to what geologists call New Jerseyization—

New Jerseyization—

Like the coasts of that State more and more shorelines are being fronted by long seawalls. Often there is no sand except at very low tide. What happens over the years is that waves bounce off the wall and into the surf, carrying the sand away. The shoreface gets steeper, the force of the waves increases because they break right on the wall instead of offshore, and while houses may be saved the beach disappears.

Jetties and groins, jutting out from the shore, are equally disruptive, but in a different way. These structures trap sand carried laterally along the coastline by "littoral drift."

Now, Mr. Pilkey, a marine geologist from North Carolina, calls them spite groins, and the article continues:

Since beaches upcurrent of the groin grow at the expense of beaches downcurrent, deprived of new sand, they erode much more quickly.

Now, we will remove the first photograph here and get to an enlargement of the proposed project.

Here we have drawn on to an aerial photograph the approximate location of the two jetties extending out 1 mile from Oregon Inlet and, furthermore, the project calls for the stabilization through riprapping of a big portion of this part of the Bodie Island on the side of the inlet. You will notice also that there is a little box here which represents the proposed sand bypass system. A dredge working on this side would pick up the sand that is trapped by this jetty and pipe it over this way to the other side of the inlet so that it will try to make up for the fact that this side will be starved of sand by the working of the jetty.

Now, nobody knows whether that will work. It has never been tried on this scale. But the reason for that is

because of this very phenomenon that I just read you about that Mr. Pilkey described, that jetties block the flow of sand.

Now, I happen to know something about what has happened in New Jersey.

Back in the 1940's I used to go to Wildwood Beach and they have a huge jetty that extends out from the beach. It is one of the finest beaches on the whole eastern seaboard, very long, gradual beach. But what that jetty did was to take the sand that normally flowed to Cape May and stop it. At that time Cape May practically had no beach at all and the only way they recovered was to build additional jetties down near Cape May.

If you build this system and the so-called bypass does not work, and no one really knows whether it will, you are going to end up not just spending \$600 million which is the 50-year cost of this system, but spending billions building jetties the entire length of this coastal barrier in order to keep it from being washed away.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. If I can get 5 more minutes.

(On request of Mr. HOWARD and by unanimous consent Mr. SEIBERLING was allowed to proceed for 5 additional minutes.)

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from New Jersey or the two gentlemen from New Jersey.

Mr. HOWARD. I thank the gentleman for yielding.

In the discussion I believe some people might get the idea that all kinds of jetties or all kinds of things that might be built out from a beach area which has a littoral drift are somehow bad.

Mr. SEIBERLING. No, I did not say all of them are.

Mr. HOWARD. No. Certainly there are areas where what we call notch jetties, jetties that are not very high, which will build up a beach to a certain point and then permit the drift of sand to go over that to the other side so that it does not just block off the one on the leeward side, you might call it, of the drift. So I just want to make it very clear that we have had some great successes in New Jersey. In my area where the littoral drift is north, the gentleman spoke about Wildwood and Cape May below, which I agree with him, putting up just a blockage right there, can erode it either way; that is, the beach to the south, if the drift is to the south. But we have had some very great successes in building up.

You cannot stop that sand, block it, without trouble. You can only try to maneuver it a little bit and get the best that you can out of it.

So I just want to make it clear for those of us who are concerned about good technology in preserving and building up our beaches that jetties are not just a minus in every case.

I thank the gentleman.

Mr. SEIBERLING. I thank the gentleman, I think the gentleman is absolutely right, and I agree with him. That is the purpose of the sand bypass system that is proposed here.

Mr. HOWARD. Well, depending on how far out into the ocean it goes, also, because that sand is moving not just what we see above, but it is moving down below, on both sides.

Mr. SEIBERLING. If you go 1 mile out into the ocean you have a considerable problem.

Mr. HOWARD. There are special problems for special places.

Mr. SEIBERLING. Now let me just read Professor Pilkey's discussion of the sand bypass system. Here is what he said:

Downstream to the south, erosion of beaches will be prevented by the sand bypass system.

Now that is the claim. Here is his response:

The sand bypass system will be working on a periodic basis and cannot respond, as nature requires, during the big sand moving event; the storm. As a consequence, major beach erosion must occur either to the north or to the south, depending on approach direction of the storm. Furthermore, the sand bypass system depends on a floating breakwater—design of which is not yet complete—which is basically an untested concept. It is also reasonable to ask how a solid price tag has been put on the jetty project when a major component is not yet fully understood.

Now, Mr. MARTIN said jetties worked. Of course they work. They will work to do what they are supposed to do. If you build this immense structure here it will stabilize the inlet and permit the digging and maintenance of a 20-foot channel instead of a 14-foot channel, as has been successfully maintained without a jetty.

But what it does not do, what he did not tell you is what it will do to the rest of this barrier island.

If this sand bypass system does not work as Professor Pilkey indicated it probably would not, you are going to have the starving of this barrier island in both directions of sand to keep it from being washed out. You are going to have washouts and in the end you are going to have to build a whole series of jetties in either direction and spend hundreds of millions of dollars additionally.

□ 1150

I also happen to be familiar with West Hampton Beach, NY, where my sister has a home. They started to build jetties on that beach and all the way up to East Hampton. They ran out of money and did not complete it

on the downstream side. The movement of waters being from east to west. The result is that they stabilized the beaches where all the jetties are, but the beaches to the south, to the west of that, where there are no jetties, have been wiped out and practically half the homes have been just plain destroyed. There is no beach. There are no houses. No nothing.

So, that is the fact of life as to the forces we are dealing with.

Now, I do not lightly undertake the task of opposing the gentleman's project. I know it is very dear to his heart, but a lot has happened since 1970 when this was approved. I submit to my colleagues when the Interior Assistant Secretary Arnett writes a letter to us and says this would be very damaging to the national seashore and the wildlife refuge, we had better take it seriously. We are dealing with the taxpayers' money.

Safety was made an issue. Let me just say on the safety issue that last winter they maintained a 14-foot channel, without jetties, and that that has worked successfully, despite the winter storms. There is no reason to suppose that such dredging will not succeed in the future. That cost is only one-fourth the cost of this project over a 50-year period and has very little capital outlay.

So I submit to my colleagues that there are alternatives from a safety standpoint and when we are running huge deficits this thing is going to be labeled a boondoggle, as it already has been by the National Taxpayers Union. Not only that, but every single national environmental organization opposes it.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from California.

Mr. LAGOMARSINO. I thank the gentleman for yielding.

Yesterday in general debate I made the comment that we had received information that the National Park Service and the Wildlife Service opposed this project. I was informed later that that was not accurate.

Would the gentleman tell me and the committee what the facts are with regard to this?

Mr. SEIBERLING. Well, they wrote very serious criticisms of the project and they refused to give a permit to build these jetties and that is why we have to have legislation, but they have not officially taken any position on it one way or the other. Nor has the Corps of Engineers.

Mr. LAGOMARSINO. I want to commend the gentleman for his statement.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. SEIBERLING] has again expired.

(By unanimous consent, Mr. SEIBERLING was allowed to proceed for 2 additional minutes.)

Mr. ROSE. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from North Carolina.

Mr. ROSE. I thank the gentleman for yielding.

Will the gentleman answer this question. If the corps had not taken the position on this and the Wildlife Service had not taken a position on this, what is the problem here? The letter from the Secretary?

Mr. SEIBERLING. The problem is that the overall weight of the evidence has indicated that this would be a disaster, that is what.

Mr. ROSE. If the Corps of Engineers has not given a final opinion, what in the world could be wrong with letting them hold title to this land until such time as they made a final determination whether it would be harmful?

Mr. SEIBERLING. Well, the corps is never going to fight a project that maintains their job security. They have simply submitted a review and indicated what they think the cost benefits are.

Mr. ROSE. The gentleman thinks the corps would be looking for more jobs to do?

Mr. SEIBERLING. I have never known them to turn one down.

Mr. ROSE. I thank the gentleman.

Mr. SEIBERLING. Let me just say that 2 years ago we passed a very wise piece of legislation, the Coastal Barrier Resources Act. It passed this House 399 to 4. The gentleman from Louisiana [Mr. BREAU] was the manager of the bill. He pointed out that it is aimed at preserving undeveloped coastal barrier beaches and islands by prohibiting Federal financial assistance for new development.

Now, I submit that although there was a caveat which said unless of course there is a need for certain navigation purposes.

But this defies the spirit of that legislation because it was based on the recognition that the coastal barriers are being ruined by the construction of artificial manmade devices on the coastal barriers.

We had testimony by marine geologists that at the present time when storms build up the water level inside the bay here that this inlet acts as a safety valve. When the water rushes out it pushes aside the shoulders of the inlets, since they are made of soft sand, and he said he has seen it move aside at the rate of one-half mile in an hour.

If you stabilize this that safety value is gone.

Let us be very cautious.

Mr. BAIGGI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. I listened to the gentleman from Ohio as he offered his amendment and I was kind of confused. I understand there is a sense of collegiality here in the Congress, but that goes just so far. If his theory is correct, then every chairman of every committee who offers legislation would have that legislation be enacted. He suggests that the only reason that three committees have approved this project in the past is out of their respect for the gentleman from North Carolina [Mr. JONES]. That respect is well deserved, but I do not think the gentleman from North Carolina [Mr. JONES], nor any other Member in this body, believes for a moment that simply because of respect for a Member who offers a proposal that it would be adopted simply because he is the author.

The fact of the matter is this subject has been a matter of deliberate consideration over an extended period of time. It has been approved by three committees. This very same motion was defeated in committee. This is another attempt by the gentleman from Ohio to work his will. It was defeated in committee. He voted against it in committee. He is one of the dissenters. So, clearly, he is pursuing his prerogatives to express his view and hopefully to have it manifested.

The fact is he has been rejected. His dissent is recorded. The gentleman from Ohio is quite adroit and makes a lot of sense, or at least he has fascinated many of us by his presentation of these posters. But, again, we have had hearings. All sides were considered. This is not a new presentation. The presentation was made in the hearings. There were several sides presented. There was a distillation of the testimony with the conclusion that the project should be approved.

The gentleman also suggests that every editorial and the people of North Carolina oppose the project.

Well, if the action we take is to be dependent upon the editorials, I would say shame on the process.

But we have learned a lot in this business. You make your decision. You take your position and you welcome editorials, but you are not controlled by them.

It would seem to me the more logical and rational approach to take is to listen to the delegation from that State. And clearly the State of North Carolina and its delegation support this proposal. If they support the proposal, obviously they want to reject this amendment.

□ 1200

Now, the gentleman from Ohio, as I said before, was most impressive. But I would be more impressed with the statement made by the gentleman

from New Jersey [Mr. HOWARD], of the Public Works Committee, and by the gentleman from New Jersey [Mr. ROE], of the same committee, both of whom have an expertise that is most uncommon. They take the very strong position that this project should be approved.

In summation, all of the concerns addressed by the gentleman from Ohio in the advocacy of his amendment have been expressed before in the various committees. There is nothing really new in this discussion. The gentleman is just taking it further, as is his right, to bring it to the floor.

I would urge the Members of this House to understand that the process still works. Many of us are not experts in all of the areas, and we depend upon the committee process and we know that all sides are presented. In the end, the committees approve the project. Let us not reverse the action of the committee. Let us not reject the full and wholehearted support of the North Carolina delegation.

Of course, we can disagree with the gentleman from Ohio, who said that we have great respect for the chairman of the Merchant Marine Committee, the gentleman from North Carolina [Mr. JONES]. But no one for a moment believes that this legislation has been approved by the committee simply out of that respect. It would be a shameful indictment of the committee process. This legislation, this project, was approved during the usual process, after being given serious consideration. It was advocated, it was discussed, it was deliberated upon, it was debated; and, in the end, it was approved.

I sincerely hope that this amendment is rejected.

Mr. CARNEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong opposition to this amendment.

As member of the Merchant Marine and Fisheries Committee, I have had the opportunity to go through several hearings here in Washington, but I also took the opportunity to visit North Carolina and to try to go through that inlet on what I would call a day that was not perhaps calm but it certainly was not a stormy day. I come from a district that is completely surrounded by water and we have inlets up in the First Congressional District of New York, and I know when you are going through a treacherous inlet. I can tell my colleagues today that the Oregon Inlet when weather is bad is a treacherous inlet. I can also tell my colleagues that, as a Member of Congress representing a fishing community, perhaps the hardest thing that I have had to do in 6 years was to explain to a family why a loved one lost his life. Why the Government had not acted fast enough to present to the fishing community in

my district or perhaps the fishing community in the chairman's district a safe harbor for people who earn their living in perhaps the oldest occupation in America. They earn their living on the sea, and we should provide for those people the types of safety we would provide for people here on land, whether it be safe railroads, whether it be safe airlines. We should have for the fishing community a method that they can come to safe harbor.

After personally reviewing the Oregon Inlet I can state emphatically this is not a safe inlet, and we should act as a Congress to ensure that it becomes a safe inlet. We are talking, ladies and gentlemen, about people. Not only are we talking about commercial fishermen, but we are talking about people who are involved in recreation. You might be talking about someone who is not familiar with the inlet, who is coming up from Florida to perhaps Maine, going through and having to find a safe harbor in a storm. Well, if this inlet were to be closed, you would have to travel at least 50 miles in a northerly direction or 50 miles in a southerly direction to find a safe harbor. If this inlet were closed, the Coast Guard station at Oregon Inlet would have to be closed. Again we are talking about the safety of people, whether they be commercial fishermen, or recreational boaters who are out on the ocean, and we have the responsibility to provide for those people safe access to harbors in times of foul weather. We also have a responsibility to recognize the fact that the Federal Government has made a substantial financial contribution to that area to create a fishing industry. We have spent \$8 million in Federal dollars to build a fishing processing industry that is virtually left vacant today because the ships necessary to bring the fish in to be processed cannot get in and out. So we have, in other words, written off this \$8 million contribution of Federal moneys to enhance an industry at the inlet.

Now, some might ask why would I be concerned since my area competes with that area. Well, we do, in a way, and we do not in another way. Oftentimes the boats from North Carolina, the boats that come out of Oregon Inlet, find safe harbor up on Long Island, oftentimes they bring their catch to Long Island if that is where the market is. So there is the benefit. But we have to recognize the most important thing here, Mr. Chairman, and that is people, the lives of people are at stake if we do not take remedial action.

We must also keep in mind that this bill will not trigger the project. It will only allow the project to take place on federally protected lands, and I think it would be in our best judgment to reject the amendment of the gentle-

man from Ohio, support the chairman of the Merchant Marine and Fisheries Committee's efforts to go forward and provide for the people of the Outer Banks of North Carolina a safe harbor.

The CHAIRMAN. The time of the gentleman from New York [Mr. CARNEY] has expired.

(On request of Mr. SEIBERLING and by unanimous consent, Mr. CARNEY was allowed to proceed for 1 additional minute.)

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. CARNEY. I yield to my friend, the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I do not quarrel at all with the importance of making this inlet safe, but we already have had evidence that this can be done without building any jetties by merely putting a dredge there, a hopper dredge, as was used last winter, which maintained the 14-foot channel all through the season. So it is not a question of whether we want to make it safe but what is the best way and least expensive way to do it, and dredging is much, much less expensive.

Mr. CARNEY. I would agree with the gentleman except for one thing. We have demonstrated that the hopper dredge cannot maintain that channel's open situation year round. We dredge it continually. It is a very expensive proposition. I also think, too, that when you use the hopper dredge, the condition of the inlet changes so rapidly. We recognize the dynamics of the water, the tidal action, changing the condition from day to day, making it very difficult for even the best of sailors to navigate.

The CHAIRMAN. The time of the gentleman from New York [Mr. CARNEY] has again expired.

(On request of Mr. SEIBERLING and by unanimous consent, Mr. CARNEY was allowed to proceed for 1 additional minute.)

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. CARNEY. If I may, I would just like to say that by stabilizing it, you would present a much safer inlet and over the years of the project a cheaper inlet.

I would be glad to yield to my colleague, the gentleman from Ohio.

Mr. SEIBERLING. I would like to point out that an article in the *Virginian Pilot*, dated December 14, 1983, says:

The channel through the inlet is in its best shape in years and improvements also have been made in the interior channel leading to Wanchese.

And this was done with the hopper dredge, and that is that only test we have had. We have no proof that the hopper dredge will not work. The only proof we have is that it did work.

Mr. CARNEY. We have proof that it fills in continually.

Mr. SEIBERLING. It did not. It was maintained all winter long.

The CHAIRMAN. The time of the gentleman from New York [Mr. CARNEY] has again expired.

(On request of Mr. JONES of North Carolina and by unanimous consent, Mr. CARNEY was allowed to proceed for 1 additional minute.)

Mr. CARNEY. I would be glad to yield to the chairman.

Mr. JONES of North Carolina. Mr. Chairman, on the question of the dredges, I think, to put it back in perspective, recently we have had as many as three dredges at work in the inlet. Last year we had two side-cast dredges plus the hopper dredge. They cleared the channel, but as soon as they departed the channel started filling in. So that is the story of the dredges.

Mr. CARNEY. Having to compete for a dredge for inlets in my district, I realize we do not have that type of equipment available on a continuing basis. We could never afford to keep a dredge in that channel year round to keep it open, that would not be cost effective.

Mr. SNYDER. Mr. Chairman, I move to strike the requisite number of words, I rise in opposition to the gentleman's amendment, and in so doing I would like to make just a few points.

First, we must remember that, when we are talking about the Oregon Inlet project, we are talking about an effort to improve the operation of a Federal navigation project that has been authorized for more than 30 years and has been in operation for more than 20 years. The proposed jetties and the necessary lands that are potentially affected by the gentleman's amendment are designed to maintain access to and from an already operational Federal project.

Second, Mr. Chairman, we must remember that nothing about this amendment or title IV of H.R. 3082 is intended to change the Department of Interior's charge to manage the nearby national seashore and refuge to accomplish important congressionally mandated conservation objectives.

Third, one of the most important purposes of the Oregon Inlet project is to provide for the safety of commercial and recreational boating interests in the area. Oregon Inlet is the only access from ocean waters to protected water over a stretch of approximately 160 miles. The location of the inlet, in the vicinity of Diamond Shoals and Cape Hatteras, an area that is often referred to by mariners as the "graveyard of the Atlantic," makes it that much more important to keep the inlet open and accessible. The U.S. Coast Guard maintains a search and rescue station in close proximity to the inlet. When the inlet is closed to

navigation, the Coast Guard patrol boats have to travel over 100 miles to respond to a distress call that could be only 2 or 3 miles off the inlet. It makes absolutely no sense and, in fact, is unreasonably wasteful and dangerous to allow such a situation to go uncorrected.

Finally, the recently completed Corps of Engineers economic analysis helps put to rest the uncertainty about whether the Oregon Inlet jetty project is economic from the perspective of benefit-cost analysis. I would point out, however, that we should not lose sight of the fact that many unquantifiable benefits—such as preventing loss of life and providing free access to the Coast Guard vessels which are stationed near the inlet—are not reflected in the benefit-cost ratio. When these unquantifiable benefits are also appreciated and included in an analysis of the project, it becomes even more obvious that approval of title IV of H.R. 3082 is not only warranted but essential.

Mr. Chairman, for these reasons and others which have been discussed here by our colleagues, I strongly urge that the gentleman's amendment be rejected.

□ 1210

Mr. MOODY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I serve on both the Public Works and the Interior Committees, and have looked at this project intensively in both those committees. I share with the rest of my colleagues a deep respect and affection for our friend, the gentleman from North Carolina [Mr. JONES]. I also want to reiterate that this is a fine bill that we all support; it is only title IV that we are talking about now.

In both the committees I serve on, Interior and Public Works, title IV of this bill was approved not as described by earlier speakers, but strictly subject to receipt of an adequate and positive benefit-cost analysis from the Corps of Engineers. Title IV was not approved without conditions, but was approved subject strictly to that caveat.

That caveat has not yet been fulfilled. We have not received either an officially approved nor an adequate benefit-cost analysis from the Corps of Engineers. First, it is not official because the Secretary of the Army has not yet provided his approval. And I doubt quite frankly that he ever will, knowing what we know now about the corps report, that he ever will because of the inadequacies that I will outline in a moment. Before I do that, I want to comment briefly on the safety issue that was mentioned earlier, and the fiscal implications.

Of course there is nothing more important than saving lives, but there are many ways to do that. Building

jetties is not the only way to save lives. In this case, it is not nearly the most cost-effective way of saving lives. A dredge hopper, for example, to keep the channel clear, is a far less costly way of saving lives. So the lifesaving argument for the building jetties is not persuasive.

Now a previous speaker said we could not have the dredge hopper at Oregon Inlet all the time because it simply is not available. If you actually bought a dredge hopper and dedicated it strictly to this project so that it was there all the time, and intensive dredging was carried out, you would solve the problem of safety, and in fact achieve most of the benefits which this project claims. But you would do it in a far more effective and cost-efficient way.

As for the fiscal situation, here we are with a deficit of \$170 to \$200 billion per year, and a national debt heading toward \$2 trillion, and we are talking about authorizing and spending on a project like this which is extremely controversial. There is almost unanimous opposition to this project in the environmental community and among the economists that have looked at the cost-benefit calculation, outside of the corps itself. We have enough projects of noncontroversial nature that we are not going to be able to fund, because of the scarcity of money, why do we want to approve a project which is extremely controversial and which is not cost beneficial? It will lose more money to the Nation than it will earn.

Now I want to talk about the specific errors in the cost-benefit calculation submitted by the Corps of Engineers. No. 1, and most serious, there is gross overestimation in the corps' estimation of benefits from building the jetties. The corps calculates benefits from additional fish catch, from both traditional and nontraditional fishing sources. For traditional fishing, such as bluefish, striped bass, croaker, flounder, king mackerel, and sea trout, the corps estimates a 9,200-metric-ton increase—a 73-percent increase—which is a gigantic increase indeed. Let's look at them individually, starting with striped bass. While striped bass is not a particularly large portion of the benefit claimed, and the chairman from North Carolina has pointed that out, it serves as an example of how the corps' cost-benefit calculation is so biased and so clearly overstated. It assumes a very big increase in the striped bass, 130,000 pounds per year. There is one key problem here: The striped bass is totally banned from fishing between June and September in North Carolina because of the extremely perilous state of the population of that fish. Maryland has just decided to totally ban that fish—called rockfish in Maryland—for any fishing

whatsoever. As you know, and the fish migrate up and down the coast with the season, so we're talking about the same set of fish.

So, projection of a gigantic increase in the commercial fishing of striped bass, which ignores the ban States have placed on fishing, it is an indication of how flawed this report is. I talked to the North Carolina fisheries people and they were amazed that anybody would want to fish more striped bass. Yet, this is just an indication of the validity of the corps' cost-benefit analysis.

Let's take bluefish. It is also an important element of the increased benefits. The corps projects a 500-percent increase in bluefish. They cannot sell all the bluefish we are catching now, but we are going to catch five times as many and sell them all? Again, a highly unrealistic assumption by the corps.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. MOODY] has expired.

(On request of Mr. SEIBERLING and by unanimous consent, Mr. MOODY was allowed to proceed for 5 additional minutes.)

Mr. MOODY. I thank my colleague and chairman.

In the whole east coast they are only catching 16 million pounds of bluefish from New England to Florida, and yet this cost-benefit calculation says they are going to catch 8 million simply out of the Oregon Inlet, one little spot along the way. Again, totally unrealistic.

I asked the North Carolina fisheries people how this could possibly be accomplished? They said the only way it could be would be to use the pair trawl system where you have nets being dragged by two boats. For really large catches, that technique is necessary. It so happens that the pair trawl is illegal in North Carolina for food fish. You cannot even use that technique that you would have to use to meet the Corps of Engineers estimates.

I asked the North Carolina Fisheries Department if there was any other way you could catch this quantity of fish. They said, well, the only other way would be to use a purse seine. This is also illegal in North Carolina. In short, North Carolina does not permit the kind of fishing techniques that are implicitly built right into the corps' analysis.

Now, the croaker, the flounder, the king mackerel, and the gray sea trout also figure importantly in the benefits attributed to this project by the corps. But it turns out that those species have been generally declining since their peak catch years of 1979 through 1980. Why? Not because of the lack of any jetties. It is the limited population of those fish that is limiting the catch. In fact several of them are already being overfished with existing facili-

ties and boat fleets. So we couldn't realize the huge catch increases the corps estimates. Even if we could, intensive dredging would be a far cheaper way to do it. But even if we dredged the Oregon Inlet, we could not have those kind of increases. The corps estimated benefits are totally out of line, totally overestimated.

The second major flaw in the study is that the Corps of Engineers assumed that there would be no price drop for the fish sold in the market no matter how much the catch goes up. If we had a fivefold increase in the catch of some fish, say bluefish, the corps analysis assumes they sell in the market for exactly the same price as they do at the smaller catch. We are going to double the amount of fish sold in some cases, without a fall in price? Obviously not. That is a laughably inadequate and inappropriate assumption, and not only by my judgment. The Congressional Research Service has also done an analysis of the corps' report and they disclose this and some of the other errors I am pointing out.

□ 1220

Mr. SEIBERLING. Will the gentleman yield?

Mr. MOODY. Certainly I yield to the gentleman from Ohio.

Mr. SEIBERLING. There was also an analysis by David Campbell, a resources economist at the National Wildlife Federation which was reviewed by a team of independent economists and was placed in the RECORD by Mr. CONTE yesterday at page 25959.

And the bottom line, I think, might be worth reading. The conclusion of that analysis says:

Even if the assumption is made that intensive dredging does not allow for the same level of fishing effort that a jetty system would, the corrected estimated benefits are less than the costs of the project. The revised average annualized costs at 7½% are \$8,974,000 and the revised annualized benefits are \$7,106,000, an estimated annualized loss of \$1,868,000.

Mr. MOODY. Mr. Chairman, I have reviewed Mr. Campbell's work and I agree with the results.

The third cardinal sin made by the corps analysis is that it takes the costs of intensive dredging, that is a substitute for building the jetties, and it subtracts those costs and calls them a benefit. Let me take a moment to make it clear what the problem is with this technique. In the case of Oregon Inlet you have two alternative ways of achieving your benefit: you can either dredge or build. Those are alternative ways to achieve roughly similar benefits. If you decide to build jetties instead of dredge you do not call the cost of not dredging a benefit. It is simply the alternative project not pursued.

Mr. SEIBERLING. If the gentleman will yield further, furthermore even with the jetties, they will still have to dredge. The only thing is with the jetties, they can have a 20-foot channel instead of a 14-foot channel.

Mr. MOODY. The gentleman is right. That mistake alone throws the project totally into the negative channel and the CRS analysis of the corps study agrees that that is a fundamental error that the corps has made in the cost-benefit analysis.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOODY. Mr. Chairman, I ask unanimous consent for 5 additional minutes to complete my statement.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. YOUNG of Alaska. Mr. Chairman, reserving the right to object. We have discussed this over and over and over again.

I will not object to the 3 minutes, but I do object to the 5 minutes.

And there should be no further time allowed as far as I am concerned.

(On request of Mr. SEIBERLING and by unanimous consent, Mr. MOODY was allowed to proceed for 3 additional minutes.)

Mr. SEIBERLING. If the gentleman would yield to me, I simply point out that the opponents of this project had 15 minutes allocated to them on general debate and the proponents had all the rest of the time; 1 hour and 45 minutes. I do not think this is an unusual request.

Mr. MOODY. I thank the gentleman.

I am trying to cover material which has not been brought out before, therefore I think my colleagues may be interested in this material.

Mr. Chairman, the fourth very serious mistake of the Corps of Engineers in their benefit cost analysis was to use an interest rate of 7½ percent in calculating costs of capital and discounting future benefits. In fiscal year 1985, which we would certainly be in by the time this project would commence, the official rate to be used in water projects is 8%, not 7½%. As with the other three corps errors I point out, correcting for this mistake throws the project into the negative column. If you apply 8% interest rate the project's benefits minus cost becomes negative, so that we would spend more than we would get out of the project.

If we were to use a 10-percent interest rate, which is what the OMB is asking all agencies to do, the result becomes far more negative. If we use the actual borrowing cost paid by the Government of 12 or 13 percent to build this project, the benefit-cost calculation becomes horrendously negative.

If we approve this project, we are asking the Federal Government to

borrow money at least 12 percent while we tell the public that the money is only costing us 7 percent. But 8 percent would be a minimum number to use when considering this project because that is the official water discount rate for fiscal year 1985 and this project will not be started until well into 1985 at best.

So, Mr. Chairman, the overestimation of benefits is tremendous and by itself invalidates the corps' analysis. The underestimation of cost is tremendous and, again, by itself invalidates the corps' analysis. The corps' selection of interest rate is entirely understated.

Any one of those three things by themselves would make this project ineligible to spend public money. It will be wasted spending if we do. There are so many valuable, important water and coastal projects and other public works that we are not going to even be able to fund, that to go ahead with this one makes no sense.

Why would we want to take a project which is a big money loser, and one my State and your State will pay for, to achieve very dubious benefits in the State of North Carolina when this project has been shown to be not only economically unsound but also environmentally unsound. And the caveat that was attached to passage in the Interior and Public Works Committees, that it receive an adequate and a positive cost-benefit calculation, has not yet been fulfilled for the reasons I have outlined.

Therefore this title IV of this otherwise fine bill should not be adopted by this body.

The CHAIRMAN. The time of the gentleman has expired.

(Mr. PORTER asked and was given permission to revise and extend his remarks.)

Mr. PORTER. Mr. Chairman, I rise in support of the Seiberling amendment and I commend the gentleman from Ohio for offering it. I respect the gentleman from North Carolina and the local and commercial interests concerned in this matter, but this is, it seems to me, a national matter, national funds are being requested for it for two 1-mile-long jetties and it seems to me that the gentleman from Wisconsin [Mr. MOODY] made some very good comments in regard to its cost.

Congress often fails to invoke, Mr. Chairman, the most cost effective solutions to the problems that we face. Those of us who support the balanced-budget amendment relish the thought that opponents of the amendment would give us another fresh example of why we need it.

Without a constitutional limit on spending, there will simply never be an adequate framework for forcing Congress to set priorities and seek the most cost effective solutions to problems.

Today we are about to vote to authorize spending \$600 million for the 50-year life of two jetties to keep this inlet open when existing records demonstrate, I think beyond a doubt, that they could be kept open by proper dredging at a cost of only \$3.5 million per year. In other words, four times as much for the jetties, almost, as for dredging.

Unfortunately an issue like this often becomes so emotional that the discussion of the merits becomes irrelevant. Proponents of the project want us to forget that the original justification for building such expensive jetties was discredited and had to be revised by the Army corps. Forget the notion that perhaps Congress ought to look at the most recent Army corps analysis before committing to build the jetties. Forget the policy Congress has embarked on that recognized the continuing lavish Federal subsidies for development of the barrier islands was counterproductive as a way to spend our tax dollars.

Ignore the warnings against building these jetties from coastal scientists at every major university in North America. Ignore the failure of expensive jetties elsewhere to work as they were intended. Forget the merits and ignore the costs because it will come out of someone else's pockets.

Not building these jetties obviously will not balance the Federal budget but deleting the funds for them is one small decision that can and ultimately must be made to bring our Federal budget into balance.

Here is the perfect place to pare Government waste. I urge the Members to support the Seiberling amendment to delete the funds for this project.

Mr. Chairman, I yield back the balance of my time.

Mr. VENTO. Will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I rise in support of the Seiberling amendment to H.R. 3082. Title IV as it now stands would commit the Federal Government on a course that in the long run is bound to fail. My overriding concern on this project has been that we are dealing with a coastal area that has the most dynamic ocean movements along the entire east coast. If there are any questions as to whether the jetty project as proposed will solve the Oregon Inlet passage problem, one would do well to look at the past record on the attempts at stabilizing these coastal ocean movements. The fiasco of the jetty project at Ocean City, MD, and the unsuccessful stabilization of the Cape Hatteras Light-house are very visible examples of the failures that occur when man attempts to best the natural dynamics of these areas.

Just look at the nature of the inlet itself. It was only reopened by a hurricane in the 1840's and since that time has been steadily moving along with the entire Outer Banks. We can attempt to put jetties up here and try to stop the littoral sand movement but our outer coastal areas are vibrant proof of the scientific principle that for every action there is a reaction. Block the movement at the inlet and you set in motion a reaction at points along the outer coast. We had scientists before the Interior Committee testify that in this case the attempt to alter the littoral sand movement within the inlet will prove disastrous to the sensitive lands of the Cape Hatteras National Seashore and Pea Island Wildlife Refuge.

Other Members will rise and make the case for the Seiberling amendment based on the shortfall in economic benefits. On this alone, Members should be very wary of proceeding with the Oregon Inlet project. I just want the House to know the sheer folly in thinking that you can proceed with this project without adversely affecting other important lands along the Outer Banks.

I urge support for the Seiberling amendment.

The CHAIRMAN. The time of the gentleman has expired.

□ 1230

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Ohio to strike title IV from this bill.

There has already been a lot of debate on this issue, and I don't want to unnecessarily prolong it. But there has been an awful lot of rhetoric used in support of this project over the past 2 days, and I would like to respond to some of the claims that have been made.

First of all, we have heard that this project is necessary for the economic development of this part of North Carolina. Has anyone looked at the unemployment figures of North Carolina? At a time when the national unemployment rate was 7.3 percent, and North Carolina's was 6.2 percent, Dare County—listen to this—had an unemployment rate of 3.3 percent. That's right, in June, the most recent period for which the Bureau of Labor Statistics has data, Dare County had 3.3 percent unemployment. How many of my colleagues wish their districts had so little unemployment?

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I would be glad to yield to my good friend, the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

Mr. Chairman, as a matter of fact, Dare County, which is where this project is located, according to the *Coastland Times* of September 6, says, "Dare Jobless Rate in July State's Lowest." Dare County had the lowest unemployment rate in the State during July, 2.8 percent.

Mr. MARTIN of North Carolina. Mr. Chairman, will my friend yield for a moment?

Mr. CONTE. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. The gentleman from Massachusetts [Mr. CONTE] still has 3 minutes remaining.

Mr. CONTE. I know it, but the gentleman from Ohio [Mr. SEIBERLING] has taken 1 minute and the gentleman from North Carolina [Mr. MARTIN] will take 1. I ask for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CONTE. Mr. Chairman, I would be glad to yield to my good friend, the next Governor of North Carolina.

Mr. MARTIN of North Carolina. I thank the gentleman from Massachusetts for yielding.

Mr. Chairman, I wanted to point out to the gentleman that the statistic that he is citing for summer months reflects the fact that this is a very prized and important tourism area and, therefore, there are jobs during the summer for employment in the tourism industry. The fishing industry is a prime industry in the winter, when we find fishing fleets that want to come to that area to be able to harvest the fish catch along the Gulf Stream in the winter months.

That is what we are concerned about, because we do not have that kind of year-round employment. I think the gentleman would understand that it is quite a burden on an area to have unemployment very high at one time of the year and to jobs only in summertime.

Mr. CONTE. I thank the gentleman for his contribution.

Mr. Chairman, we have heard that we need to stabilize the channel in order to protect the investment in the local seafood industrial park. But the State of North Carolina, when it applied for the Federal grants to build that industrial park, certified that the seafood park would be built whether the Corps of Engineers project was built or not. Furthermore, the State certified that the industrial park was economically viable and cost justified whether the Oregon Inlet jetties were built or not. It is in the environmental impact statement.

We have heard about the safety hazards associated with the inlet, about

the losses of lives and boats. There is no question that this is a dangerous passage. There is a reason that the area off of the Outer Banks is called the graveyard of the Atlantic. The combination of winds, tides, and currents in this area—the same factors that make this a prime fishing ground—also make it risky.

But look at the Coast Guard accident reports for Oregon Inlet. They do not blame the channel. They blame the inexperience of the skipper, the lack of adequate equipment on board the boat, or, in one case, the inebriation of the captain and passengers. Would the jetties have made a difference? They might have—the accident reports do not say and no one knows for sure.

But one thing is sure—jetties themselves are often a navigational and safety hazard. Many boats are lost against jetties every year, largely because of the unexpected eddies and currents that they cause. We may be creating a new hazard in trying to deal with an old one.

We have heard that the Coast Guard needs this project for its search and rescue mission. Now, let's not blame this project on the poor Coast Guard. Of course they often bring assisted vessels in through the southern part of the bay. When a northeaster creates the kind of weather in which rescues are likely to be needed, you want to tow a boat into the wind, not before it. I have been told that the southern entrance to the bay would be used by the Coast Guard no matter what is done at Oregon Inlet.

We have heard that the Coast Guard must get its patrol boats through the channel. Those patrol boats draw 7 feet. An adequately maintained 14-foot channel is more than sufficient to handle Coast Guard patrol boats. If weather conditions are so bad that a 14-foot channel is impassable, those boats are not going to be sent out anyway.

Finally, we have heard that the new cost-benefit analysis shows greater benefits than costs. Well, what did you expect? So did the last one, the one that turned out to be defective and had to be withdrawn. It took the Corps of Engineers 16 months to recook the books, and it still contains wildly optimistic projects of increased fish catches of striped bass, which is already fished to the limit and is under restriction in North Carolina, and Maryland and bluefish, for which there is little or no commercial market. No matter how deep and safe a channel you build, if the fish are not there you cannot catch them. The corps also included in its analysis a basic accounting error, double counting cost savings so that the cost of the project is badly understated.

Mr. Chairman, it is not often that we get to stop a project before it is un-

derway. Scientific opinion is unanimous on the erosion effects of this project. Environmental opinion is unanimous on the damage to the federally protected seashore and wildlife refuge in the area. And taxpayer opinion should be unanimous that this is a useless way to waste nearly \$100 million. Let's kill it now.

Mr. Chairman, my good friend from New Jersey, Mr. ROE, chastised us because we do not live in the district where this project is located. He seemed to suggest, therefore, that we should pass everything that any Congressman brings in here, whether it is good or bad, because it is in his own district.

Let me tell you something. I was elected by a half million people in my congressional district, and it is those taxpayers' money we are going to spend on this project. It is the taxpayers' money. I have a perfect right to stand up here and fight on behalf of my constituents against a \$100 million boondoggle in North Carolina, New Jersey, California, or any other place. I paid an awful lot of Federal taxes last year. It is my money too, and I do not want my money going down there for this boondoggle. I urge the adoption of the amendment.

I yield to the gentleman from New Jersey.

Mr. ROE. I appreciate the gentleman's kindness and his generosity in referring to my name, but I am going to ask for my own 5 minutes on the issue.

Mr. JONES of North Carolina. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from North Carolina [Mr. JONES].

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. McCurdy, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3082) to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands by the acquisition of wetlands and other essential habitat, and for other purposes, had come to no resolution thereon.

WAIVER OF REQUIREMENT FOR TWO-THIRDS VOTE ON CONSIDERATION OF RULE ON SAME DAY REPORTED

Mr. BONIOR of Michigan. Mr. Speaker, I ask unanimous consent that the requirement for a two-thirds vote on consideration of a rule on the same day that the rule is reported from the Committee on Rules be waived.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

EMERGENCY WETLANDS RESOURCES ACT OF 1983

The SPEAKER. Pursuant to House Resolution 579 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3082.

□ 1238

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3082) to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands by the acquisition of wetlands and other essential habitat, and for other purposes, with Mr. McCurdy in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today pending was an amendment offered by the gentleman from Ohio [Mr. SEIBERLING].

Mr. ROE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by the gentleman from Ohio [Mr. SEIBERLING].

Mr. Chairman, I would like to respond, in view of the fact that my name was used directly, to the distinguished gentleman from Massachusetts [Mr. CONTE].

In the first place, let me suggest this: I think that the gentleman from Massachusetts is one of the finest Members of this House and one of the most responsible people we have in the House. I realize that we are involved emotionally in different matters of state around here and we do get carried away, but let me set the record enormously straight in this House.

I have been here for 15 years, and I agree that every Member has a responsibility to speak pro or con for a point which they believe in. It is nothing personal. But nobody has the right to challenge the motives of any Member of this House whatsoever, and I feel that my motives have been challenged.

We have fought in this House day in and day out, project after project after project. We have analyzed them, not just come to the floor with a speech. We have gone behind hundreds of projects going back to 1916.

□ 1240

We have looked at every one in depth as to what was important to this House and what was important to this

Nation, and what may appear to be important in one State may be something that is politically wise to be against because it may appear to have an umbrella of environmental concern or it may appear along the line that "I can capture a vote because I am opposed to that issue."

But I maintain one thing, that this country is made up of 50 States, and I maintain the point of view that there are 7½ million people in my State. I represent the State of New Jersey, and I also represent the people of this country, 230 million strong, and if I believe something is good for my State, it is my people that will decide whether they return me to office or not, not anybody in this House. And I take umbrage from no one nor do I draw water from anybody on that point.

It happens to be that there is a set of facts before this House, the facts on this issue. It has been distorted, it has been manipulated, and it is other people's opinion, and we cannot quarrel with another person's opinion. But the fact remains that for the safety of the boating people in the State of North Carolina, they genuinely believe it is important to them.

We had an argument on a number of similar items when we were talking about the water resources development bill 4 or 5 weeks ago, and brothers and sisters disagreed in two of those States, and we attempted to bring those brothers and sisters together to determine what was right for them, whether it was New Jersey, Alaska, Massachusetts, or whatever.

As I see this picture, it seems to me that the distinguished gentleman from North Carolina and the representation in toto from North Carolina have spoken favorably for this project, and I do not think there should be blue smoke and glass and all kinds of extraneous material put out, anything to bury the project. They bring in the national debt. If there is going to be a \$200 billion national debt, then we should not approve one single project at all now. That is the argument. That does not even make any common sense.

The gentleman has not asked for \$300 million or \$400 million. He said, "Give me a chance to let this project be reviewed. Let it follow its procedure."

It was approved in 1970. This is not something new around here. He has not asked for \$700 million or \$800 million. He has asked for one thing. He says, "Give me the right to have this project further reviewed by the Congress of the United States. All I need is the authorization that is needed by law to consider and to anchor this project in those two areas."

That is all that is involved here. It is all cloaked now in the idea that somebody who is opposed to this amend-

ment is somebody who is against wetlands. Balderdash. That is not what the issue is at all. Hours are spent on obscuring what the facts are. All the people in the environmental community are in favor of this? Nonsense. Who can make that statement in this House at all, including myself?

The fact remains that North Carolina needs help. North Carolina has a matter the State is concerned with. North Carolina has not voted on this issue. The House yet has to speak to appropriations. The House has to speak to this item. I suggest in this House that each State ought to have a right of some reliance and some self-respect.

I have worked with 295 Members of this House bipartisanship and individually. Many of them had projects that people disagreed with them, but they were important to their States; therefore, this was important to their country.

I want no one to be in a position to come to the floor of this House and indicate that Bob Roe is a big spender. Bob Roe is here to do what is the right thing as chairman of the committee that I was elected to chair, and my job is to bring the facts, as I see them, as God gave me the right to see them, before this committee. But I would be abrogating my responsibility as a Member of this House to stand back and allow nothing but blue smoke and glass and clouds to go over what the facts are, and I think when you are dealing with something in the House, you should deal with the facts, and the House will vote its will.

Mr. MOODY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. ROE] has expired.

Mr. MOODY. Mr. Chairman, I ask unanimous consent that the gentleman from New Jersey [Mr. ROE] be allowed to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. STANGELAND. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. STANGELAND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment to H.R. 3082 being offered by the gentleman from Ohio which deletes title IV of the act, the jetties project at Oregon Inlet.

Oregon Inlet is the only navigable inlet through the Outer Banks from Norfolk, VA, to the north to Ocracoke Inlet to the south, a distance of 160 miles. It is the only safe harbor for shipping and recreational boating in-

terests along that portion of the North Carolina coastline.

Oregon Inlet continuously experiences shoaling that renders it impassable—a major problem considering the inlet's status as a safe harbor. In the past, the Corps of Engineers has conducted intensive dredging activities to maintain the navigability of the inlet. Without the project continued maintenance dredging is estimated to cost \$4.5 million a year—year after year. However, these efforts are only stop-gap and solve none of the long-term needs of the area.

Title IV of the Oregon Inlet project was originally authorized in the Rivers and Harbors Act of 1970. The Corps of Engineers has just completed an updated economic analysis of the project. That study indicates a 1.4 positive benefit-to-cost ratio and does so without considering the unquantifiable benefits arising from savings in human life as a result of the construction of this project. Were the corps able to quantify those benefits and include them in the economic analysis, the already clear mandate for construction would become even more apparent.

Construction of the Oregon Inlet project is the most practical and economic way to ensure safe year-round navigation through the area, especially during the stormy winter months at the height of the fishing season. Construction will prevent groundings in the inlet and thereby save lives. The existing unsafe conditions in the inlet were in part responsible for the deaths of eight people since 1970—the year in which this project was first authorized by Congress. While differences may exist as to whether existing conditions were a primary cause or a secondary cause of the accidents—none dispute that those conditions were a contributing factor. It is time to recognize these facts and move ahead with the project.

We know that the Oregon Inlet project has a significant positive benefit-to-cost ratio. We know that construction will save lives and allow the Coast Guard free access through the inlet. We know that continued maintenance dredging is an expensive, non-productive waste of the taxpayers' dollars—somewhat akin to dropping money into a bottomless pit. I urge my colleagues to reject that bottomless pit.

This project has been examined in detail before. A second study has recently been completed which demonstrates the correctness of our 1970 project authorization. I urge you to accept those findings. Efforts were mounted during committee consideration to delete title IV from H.R. 3082. Those efforts were soundly rejected. I urge my colleagues to take that same action today and reject the Seiberling amendment.

Mr. Chairman, I rise in strong opposition to the amendment offered by

the gentleman from Ohio [Mr. SEIBERLING], and I would like to bring in or interject some things that I think the committee and the Members of this body ought to think about.

One of the concerns about this project is the damage that can be done to Pea Island National Wildlife Refuge and Cape Hatteras National Seashore. The project requires about 150 acres of those two federally protected areas. I would just like to point out to the members of the committee that along the Atlantic coast there are 447,000 acres in 40 national wildlife refuges and 325,000 acres in 13 national parks. That is along the Atlantic coast. This is a total of 772,000 acres of federally dedicated land.

Oregon Inlet involves only 150 acres, which represents only two-hundredths of 1 percent of this acreage. I guess I would feel that if this was the only habitat and the only scenic area, we ought to preserve it. But we have got 772,000 acres, and I think we can spare the 150 acres.

Beyond this, the Atlantic States have numerous State refuges and parks along the coast, none of which are reflected in the above figures.

I would also like to point out for those environmentalists who are concerned about the project that as a part of this jetty project, there will be 125 acres of oyster beds created and maintained, and, in addition, the dredged material disposal areas will be managed to enhance them for waterfowl habitat.

This is a good project. It is a project that ought to go forward. As the subcommittee chairman, the gentleman from New Jersey [Mr. ROE], said, this is not a request here for money; it is a request for the opportunity to seek money to complete the project.

Mr. Chairman, I urge my colleagues to defeat the amendment, and I yield back the balance of my time.

Mr. BEVILL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I am not going to cover all these facts we have been hearing now for 2 days. I just want to point out that I am familiar with this project. I have been there. I have seen it. I have been there several times. I think the project is needed.

The Corps of Engineers has come up with a benefit-cost ratio of 1.4 to 1. The Corps of Engineers points out that it is costing over \$5 million a year to maintain this project and the maintenance is not satisfactory. There is a rich seafood industry in the area that is imperiled as a result of the dangerous conditions that exist in the inlet.

So I feel that it would be a mistake to accept this amendment. This project really should be built. These two jetties are needed. Actually it is costing over \$5 million a year to main-

tain it, and once the two jetties are put in, it will cost about \$4.5 million a year. So it is going to save money, and it is going to preserve the fishing industry in this area which is so vital and so critical to this part of the State of North Carolina.

The Corps of Engineers has supported this project from the beginning. The North Carolina delegation has given it 100-percent support. I just do not believe those people are trying to build a boondoggle down there in their State. I believe the Corps of Engineers, which has been doing this type of work and determining these cost-benefit ratios for many years, has a pretty good record.

Mr. Chairman, I think the amendment ought to be defeated, and I urge the Members to defeat the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. JONES].

Mr. JONES of North Carolina. Mr. Chairman, in conclusion, let me say that what we are voting on here, to delete title IV, contains no authorization or no appropriation. It is merely another step in the study of the need for the dredges.

● Mr. EDGAR. Mr. Chairman, I rise in support of the amendment of the gentleman from Ohio. He has ably enumerated the concerns many of us share over the proposed construction of 2-mile-long jetties at Oregon Inlet in North Carolina, including:

The environmental consequences of building the jetties;

The cost of building the jetties and running the sand-bypassing operation when compared to the simple alternative of dredging; and

Questions surrounding the accuracy of the new Army Corps of Engineers Economic Analysis Report.

I would like to respond to an argument frequently offered by those in favor of jetty construction, an argument concerning the unsafe conditions of the inlet and the tragic loss of life which has occurred there since the project was authorized in 1969. Clearly the most emotional and perhaps the most compelling argument is the fact that the lives of eight fishermen have been lost in the Oregon Inlet area over this 15-year span; lives, the proponents claim, that would have been saved had the jetties already been in place.

I will be the first to admit that eight lives lost are eight lives too many and if jetties will prevent such future losses, then by all means we should give them serious consideration.

But let us get beyond the thin veneer of statistics—let us get to the heart of the matter. What, in fact, were the causes of the accidents that claimed the lives so frequently alluded to?

A recent investigation into the Coast Guard records turned up some revealing facts.

Of the four accidents which, in total, covered the eight lives in question, three were caused primarily, or exclusively, by human error and/or miscalculation. The Coast Guard concluded that, for the fourth accident, there was insufficient data to determine a cause.

I repeat, three out of the four accidents resulted from human error. To be specific:

The 1971 wreck of the *Lane* which claimed three lives was determined by the Coast Guard to have been caused by (and I quote) "error in judgment on the part of the *Lane's* unlicensed master in attempting to navigate a dark unfamiliar channel with an inoperative spotlight."

The 1978 grounding of the *Barbara Joan* which claimed one life was determined by the Coast Guard to have been caused by (and I quote) "the operator being intoxicated * * * unfamiliar with the waters * * * and not adequately experienced in operating the vessel."

The 1981 accident involving the *Oregon Inlet Queen* which claimed one life was deemed by the Coast Guard to have been caused by (and I quote) "the decision of the master * * * to continue into the inlet in the face of rough seas * * * Contributing causes were his failure to anticipate possible adverse sea conditions * * * and his inattention to the position and action of his passengers and crew."

After reading these accounts, I asked myself an important question, which I hope all of you will too: Would the jetties have prevented these accidents from occurring?

Perhaps, but I think not. Human error is that bugaboo, that wild card if you will, that we find responsible for so many accidents—not just at sea, but on our highways, in the sky overhead, and even in our homes.

It is therefore presumptuous at best, and deliberately misleading at worst, for the corps to predict that 27 lives and 27 vessels will be lost over the next 50 years should the project not be built. This manipulation of the facts in order to evoke an emotional outcry obscures the real issues facing the Congress. Furthermore, the corps does not address the likelihood that additional accidents will occur as a result of increased boat traffic through Oregon Inlet if the jetties are built. An accurate and informed view of the safety situation at the inlet is necessary for all of us as we consider title IV of the wetlands bill today. I believe that the information I have just presented suggests that there is no evidence to indicate that jetty construction will save many lives at Oregon Inlet. I urge my colleagues to support the Seiberling amendment

and delete the jetty project from H.R. 3082.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. SEIBERLING].

The question was taken; and the chairman announced that the noes appeared to have it.

Mr. SEIBERLING. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 406]

Ackerman
Addabbo
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Badham
Barnard
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bevill
Biaggi
Billrakis
Billey
Boehlert
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Burton (CA)
Burton (IN)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Clarke
Clay
Clinger
Coats
Coelho
Coleman (MO)
Collins
Conable

Conte
Conyers
Cooper
Corcoran
Coughlin
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
Crockett
Daniel
Dannemeyer
Darden
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
DeWine
Dickinson
Dicks
Dixon
Donnelly
Dorgan
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IL)
Fascell
Fazio
Feighan
Fiedler
Fields
Filippo
Florio
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank
Franklin
Frenzel

Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (ID)
Hansen (UT)
Harkin
Hartnett
Hatcher
Hayes
Hefner
Heftel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kazen
Kemp

Kennelly
Kildee
Kindness
Kleczka
Kolter
Kostmayer
Kramer
Lagomarsino
Latta
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Lukens
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Marriott
Martin (NC)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McHugh
McKernan
McKinney
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinar
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek

Murphy
Murtha
Myers
Natcher
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Paul
Pease
Penny
Pepper
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Schaefer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Shuster
Simon

Sisisky
Skeen
Skelton
Slatery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solaz
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Swift
Tallon
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Valentine
Vandergriff
Vento
Volkmmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

□ 1300

The CHAIRMAN. 385 Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Ohio [Mr. SEIBERLING] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 194, noes 203, not voting 35, as follows:

[Roll No. 407]

AYES—194

Ackerman	Glickman	Owens
Addabbo	Goodling	Packard
Annunzio	Gore	Panetta
Applegate	Gradison	Paul
Archer	Green	Pease
Aspin	Gregg	Penny
AuCoin	Guarini	Petri
Barnard	Gunderson	Porter
Barnes	Hansen (UT)	Pursell
Bartlett	Harkin	Ratchford
Bates	Hayes	Regula
Bedell	Hiler	Reid
Beilenson	Hopkins	Richardson
Bereuter	Huckaby	Ridge
Berman	Hunter	Rinaldo
Bilirakis	Hyde	Ritter
Boehlert	Jacobs	Rodino
Bonior	Jeffords	Roemer
Boxer	Johnson	Roth
Burton (CA)	Jones (OK)	Rudd
Burton (IN)	Kaptur	Sabo
Byron	Kasich	Savage
Chandler	Kastenmeier	Scheuer
Clay	Kennelly	Schneider
Clinger	Kildee	Schroeder
Coats	Klecza	Schumer
Collins	Kogovsek	Seiberling
Conable	Kostmayer	Sensenbrenner
Conte	LaFalce	Sharp
Conyers	Lagomarsino	Sikorski
Cooper	Lantos	Simon
Corcoran	Latta	Slatery
Coughlin	Lehman (FL)	Smith (NJ)
Courter	Levin	Snowe
Crane, Daniel	Levine	Solarz
Crane, Philip	Levitas	Solomon
Crockett	Lewis (FL)	Spratt
D'Amours	Long (MD)	St Germain
Dannemeyer	Lowery (CA)	Staggers
Daschle	Lowry (WA)	Stark
Dellums	Lujan	Stokes
DeWine	Lungren	Studds
Dicks	Mack	Torres
Dorgan	MacKay	Torricelli
Downey	Markey	Vento
Dreier	McCain	Volkmer
Dwyer	McCollum	Walgren
Early	McDade	Walker
Eckart	McHugh	Waxman
Edgar	Mica	Weaver
Edwards (CA)	Miller (CA)	Weber
Edwards (OK)	Miller (OH)	Weiss
English	Mineta	Wheat
Evans (IL)	Minish	Whitehurst
Feighan	Mitchell	Whittaker
Fiedler	Molinari	Williams (MT)
Fish	Moody	Williams (OH)
Foglietta	Moorhead	Wise
Ford (TN)	Morrison (CT)	Wolpe
Frenzel	Morrison (WA)	Wyden
Garcia	Murphy	Wylie
Gejdenson	Nelson	Yates
Gekas	Obey	Yatron
Gilman	Olin	Zschau
Gingrich	Ottinger	

NOES—203

Albosta	Carney	Edwards (AL)
Alexander	Carper	Emerson
Anderson	Carr	Erdreich
Andrews (NC)	Chappell	Erlenborn
Andrews (TX)	Chapple	Fascell
Anthony	Clarke	Fazio
Badham	Coelho	Fields
Bateman	Coleman (MO)	Flippo
Bennett	Coyne	Florio
Bevill	Craig	Ford (MI)
Biaggi	Daniel	Fowler
Bliley	Darden	Frank
Boland	Daub	Franklin
Bonker	Davis	Fuqua
Borski	de la Garza	Gaydos
Bosco	Derrick	Gephardt
Boucher	Dickinson	Gonzalez
Breaux	Dingell	Gray
Britt	Dixon	Hall (IN)
Brooks	Donnelly	Hall, Ralph
Broomfield	Dowdy	Hall, Sam
Brown (CA)	Duncan	Hamilton
Brown (CO)	Durbin	Hammerschmidt
Broyhill	Dymally	Hance
Campbell	Dyson	Hansen (ID)

Hartnett	McCurdy	Schaefer
Hatcher	McEwen	Schulze
Hefner	McKernan	Shaw
Heftel	McKinney	Shelby
Hightower	Michel	Shumway
Hillis	Mikulski	Shuster
Holt	Moakley	Slusky
Horton	Mollohan	Skeen
Howard	Montgomery	Skelton
Hoyer	Moore	Smith (FL)
Hubbard	Mrazek	Smith (IA)
Hughes	Murtha	Smith (NE)
Hutto	Myers	Smith, Denny
Ireland	Natcher	Smith, Robert
Jenkins	Neal	Snyder
Jones (NC)	Nichols	Spence
Jones (TN)	Nielson	Stangeland
Kazen	Nowak	Stenholm
Kemp	O'Brien	Stratton
Kindness	Oakar	Stump
Kolter	Oberstar	Sundquist
Kramer	Ortiz	Swift
Lehman (CA)	Oxley	Tallon
Leland	Parris	Tauzin
Lewis (CA)	Pashayan	Taylor
Lipinski	Patman	Thomas (CA)
Livingston	Pepper	Thomas (GA)
Lloyd	Pickle	Towns
Loeffler	Price	Traxler
Lott	Quillen	Valentine
Luken	Rahall	Vandergriff
Lundine	Rangel	Vucanovich
Madigan	Ray	Watkins
Marlenee	Roberts	Whitley
Marriott	Robinson	Whitten
Martin (NC)	Roe	Wilson
Martin (NY)	Rogers	Winn
Matsui	Rose	Wolf
Mavroules	Rostenkowski	Wortley
Mazzoli	Roukema	Young (AK)
McCandless	Roybal	Young (FL)
McCloskey	Russo	Young (MO)

NOT VOTING—35

Akaka	Gramm	Patterson
Bethune	Hall (OH)	Pritchard
Boggs	Harrison	Sawyer
Boner	Hawkins	Shannon
Bryant	Hertel	Siljander
Cheney	Leach	Synar
Coleman (TX)	Leath	Tauke
Evans (IA)	Long (LA)	Udall
Ferraro	Martin (IL)	Vander Jagt
Foley	Martinez	Wirth
Frost	McGrath	Wright
Gibbons	McNulty	

□ 1310

Mr. LUKEN and Mr. DERRICK changed their votes from "aye" to "no."

Messrs. WILLIAMS of Ohio, SLATTERY, and LEWIS of Florida changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there other amendments to the bill?

The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. FOLEY] having assumed the chair, Mr. McCURDY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3082) to promote the conservation of migratory waterfowl and to offset or prevent the seri-

ous loss of wetlands by the acquisition of wetlands and other essential habitat, and for other purposes, pursuant to House Resolution 579, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SEIBERLING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 351, nays 45, not voting 36, as follows:

[Roll No. 408]

YEAS—351

Ackerman	Coats	Ford (MI)
Addabbo	Coelho	Ford (TN)
Albosta	Coleman (MO)	Fowler
Alexander	Collins	Franklin
Anderson	Conyers	Frenzel
Andrews (NC)	Corcoran	Fuqua
Andrews (TX)	Coughlin	Garcia
Annunzio	Courter	Gaydos
Anthony	Coyne	Gejdenson
Applegate	Crockett	Gekas
Archer	D'Amours	Gephardt
Aspin	Daniel	Gibbons
Badham	Darden	Gilman
Barnard	Daschle	Gingrich
Barnes	Daub	Glickman
Bateman	Davis	Gonzalez
Bates	de la Garza	Goodling
Beilenson	Dellums	Gore
Bennett	Derrick	Gradison
Bereuter	DeWine	Gray
Berman	Dickinson	Gregg
Bevill	Dicks	Guarini
Biaggi	Dingell	Gunderson
Bilirakis	Dixon	Hall (IN)
Bliley	Donnelly	Hall (OH)
Boland	Dowdy	Hall, Sam
Bonior	Downey	Hamilton
Bonker	Duncan	Hammerschmidt
Borski	Durbin	Hansen (UT)
Bosco	Dwyer	Harkin
Boucher	Dymally	Hartnett
Boxer	Dyson	Hatcher
Breaux	Early	Hayes
Britt	Eckart	Hefner
Brooks	Edwards (AL)	Heftel
Broomfield	Edwards (CA)	Hertel
Brown (CA)	Edwards (OK)	Hightower
Brown (CO)	Emerson	Hiler
Broyhill	English	Hillis
Burton (CA)	Erdreich	Holt
Byron	Erlenborn	Hopkins
Carney	Evans (IL)	Horton
Carper	Fascell	Howard
Carr	Fazio	Hoyer
Chandler	Feighan	Hubbard
Chapple	Fiedler	Huckaby
Chapman	Fields	Hughes
Clarke	Flippo	Hunter
Clay	Florio	Hutto
Clinger	Foley	Hyde

Ireland	Minish	Shelby
Jacobs	Mitchell	Shumway
Jeffords	Moakley	Shuster
Jenkins	Mollohan	Siskorski
Johnson	Montgomery	Sisisky
Jones (NC)	Moore	Skeen
Jones (OK)	Moorhead	Skelton
Kaptur	Morrison (CT)	Smith (FL)
Kasich	Morrison (WA)	Smith (IA)
Kazen	Mrazek	Smith (NE)
Kemp	Murphy	Smith (NJ)
Kennelly	Murtha	Smith, Robert
Kildee	Myers	Snowe
Kindness	Natcher	Snyder
Kiecicka	Neal	Solarz
Kogovsek	Nichols	Solomon
Kolter	Nowak	Spence
Kramer	O'Brien	Spratt
LaFalce	Oaker	St Germain
Lagomarsino	Oberstar	Staggers
Lantos	Olin	Stangeland
Lehman (CA)	Ortiz	Stark
Lehman (FL)	Owens	Stokes
Leland	Oxley	Stratton
Lent	Packard	Studds
Levin	Panetta	Sundquist
Levine	Parris	Swift
Levitas	Pashayan	Tallon
Lewis (CA)	Penny	Tauzin
Lewis (FL)	Pepper	Taylor
Lipinski	Petri	Thomas (CA)
Livingston	Pickle	Thomas (GA)
Lloyd	Porter	Torres
Loeffler	Price	Torricelli
Long (LA)	Pursell	Towns
Long (MD)	Quillen	Traxler
Lott	Rahall	Valentine
Lowery (CA)	Rangel	Vandergriff
Lowry (WA)	Ratchford	Vento
Lujan	Ray	Volkmer
Luken	Richardson	Vucanovich
Lundine	Ridge	Walgren
Lungren	Rinaldo	Watkins
MacKay	Ritter	Waxman
Madigan	Robinson	Weaver
Marlenee	Rodino	Weber
Marriott	Roe	Weiss
Martin (NC)	Rogers	Wheat
Martin (NY)	Rose	Whitehurst
Matsui	Rostenkowski	Whitley
Mavroules	Roth	Whittaker
Mazzoli	Roukema	Whitten
McCain	Rowland	Williams (MT)
McCandless	Roybal	Williams (OH)
McCloskey	Rudd	Wilson
McCollum	Russo	Winn
McCurdy	Sabo	Wise
McDade	Savage	Wolf
McEwen	Schaefer	Wolpe
McHugh	Scheuer	Wortley
McKernan	Schneider	Wyden
McKinney	Schroeder	Wyllie
Mica	Schulze	Yatron
Michel	Schumer	Young (AK)
Mikulski	Sensenbrenner	Young (FL)
Miller (CA)	Sharp	Young (MO)
Mineta	Shaw	Zachau

NAYS—45

AuCoin	Foglietta	Ottenger
Bartlett	Frank	Patman
Bedell	Green	Paul
Boehlert	Hall, Ralph	Pease
Burton (IN)	Hance	Regula
Conable	Hansen (ID)	Reid
Conte	Jones (TN)	Roberts
Craig	Kastenmeier	Roemer
Crane, Daniel	Kostmayer	Seiberling
Crane, Philip	Latta	Slattery
Dannemeyer	Markey	Smith, Denny
Dorgan	Miller (OH)	Stenholm
Dreier	Moody	Stump
Edgar	Nelson	Synar
Flah	Obey	Yates

NOT VOTING—36

Akaka	Evans (IA)	Martin (IL)
Bethune	Ferraro	Martinez
Boggs	Frost	McGrath
Boner	Gramm	McNulty
Bryant	Harrison	Molinar
Campbell	Hawkins	Nelson
Cheney	Leach	Patterson
Coleman (TX)	Leath	Pritchard
Cooper	Mack	Sawyer

Shannon	Tauke	Walker
Siljander	Udall	Wirth
Simon	Vander Jagt	Wright

□ 1330

The Clerk announced the following pairs:

On this vote:

Mr. Hawkins for, with Mr. Nelson of Florida against.

Mr. FOGLIETTA changed his vote from "yea" to "nay".

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3082, the bill just passed.

The SPEAKER pro tempore [Mr. MURTHA]. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 5585, RAILROAD SAFETY IMPROVEMENT ACT OF 1984

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 562 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 562

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5585) to authorize appropriations for carrying out the Federal Railroad Safety Act of 1970, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against the consideration of the bill for failure to comply with the provisions of section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and each section shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in

the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes, for the purposes of debate only, to the gentleman from Tennessee [Mr. QUILLLEN], and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 562 is the rule providing for the consideration of H.R. 5585, the Railroad Safety Improvement Act of 1984. The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee of Energy and Commerce.

The rule also waives points of order under section 402(a) of the Congressional Budget Act against consideration of the bill. Section 402(a) requires authorizations to be reported by May 15 prior to the beginning of the fiscal year. The Committee on Energy and Commerce voted to report this bill on May 15, 1984, but delayed filing the report until May 21 in order to provide 3 days for submitting of minority views on this legislation. Since the bill authorizes the enactment of new budget authority for fiscal year 1985 a section 402(a) waiver is necessary.

In addition, Mr. Speaker, House Resolution 562 makes in order the Energy and Commerce Committee amendment in the nature of a substitute to be considered as original text, with each section to be considered as read. Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, the purpose of H.R. 5585, the Railroad Safety Improvement Act of 1984, is to reauthorize and improve the safety programs of the Federal Railroad Administration [FRA]. The bill authorizes funds for the Federal Railroad Administration safety programs, reimburses funds to States that participate in rail safety programs, and also provides funds for research and development of rail safety. The total amount of the authorization for fiscal year 1985 is \$55.3 million and \$57.7 million for fiscal year 1986.

H.R. 5585 directs the Transportation Department to encourage the formation of a private nonprofit corporation, supported by railroad employees and companies, which would help employees with alcohol and drug problems. The measure authorizes the Transportation Department to provide up to \$100,000 in financial and in-kind

assistance if such an organization is established within 90 days of enactment.

Mr. Speaker, H.R. 5585 also provides additional protections for employees who experience discrimination as a result of reporting safety violations or refusing to work under conditions presenting imminent danger of death or serious injury. The bill would allow for an arbitration board to award such an employee an appropriate compensation of up to 1 year's pay. This would ensure safe railroad operations and also protect employees who seek to further safety.

Mr. Speaker, H.R. 5585 would guarantee the continuation of these programs that promote safe rail operations and protection for railroad employees. I urge support of House Resolution 562 so that we may proceed to the consideration of this important legislation.

□ 1340

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is an open rule that should be adopted.

The bill's importance has been underscored because of the serious rail accidents within the past few months. H.R. 5585 reauthorizes the safety programs of the Federal Railroad Administration for fiscal year 1985 and fiscal year 1986 and contains changes to existing law to help to eliminate drug and alcohol abuse which afflicts rail traffic. The bill also seeks to encourage railroad workers to report safety problems by increasing protections and rights, although Members should be aware there is controversy regarding this section.

The bill's authorization level for general railroad safety programs, research and development and reimbursements to the States is \$55.3 million for fiscal year 1985 and \$57.7 million for fiscal year 1986. This is considerably more than the administration's budget request of \$42.4 million for fiscal year 1985.

Mr. Speaker, I have no requests for time, and I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. QUILLEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 389, nays 2, not voting 41, as follows:

[Roll No. 409]

YEAS—389

Ackerman	Edgar	Lagamarsino
Addabbo	Edwards (AL)	Lantos
Albosta	Edwards (CA)	Latta
Alexander	Edwards (OK)	Lehman (CA)
Anderson	Emerson	Lehman (FL)
Andrews (NC)	English	Leland
Andrews (TX)	Erdreich	Lent
Annunzio	Erlenborn	Levin
Anthony	Evans (IL)	Levine
Applegate	Fazio	Levitas
Archer	Feighan	Lewis (CA)
Aspin	Fiedler	Lewis (FL)
AuCoin	Fields	Lipinski
Badham	Fish	Livingston
Barnes	Flippo	Lloyd
Bartlett	Florido	Loeffler
Bateman	Foglietta	Long (LA)
Bates	Foley	Long (MD)
Bedell	Ford (MI)	Lott
Beilenson	Ford (TN)	Lowery (CA)
Bennett	Fowler	Lowry (WA)
Bevill	Frank	Lujan
Biaggi	Franklin	Luken
Bilirakis	Frenzel	Lundine
Bliley	Fuqua	Lungren
Boehlert	Garcia	Mack
Boland	Gaydos	MacKay
Bonior	Geddeson	Madigan
Bonker	Gekas	Markey
Borski	Gephardt	Marlenee
Bosco	Gibbons	Marriott
Boucher	Gilman	Martin (IL)
Boxer	Gingrich	Martin (NC)
Breaux	Glickman	Martin (NY)
Britt	Gonzalez	Matsui
Brooks	Goodling	Mavroules
Broomfield	Gore	Mazzoli
Brown (CA)	Gradison	McCain
Brown (CO)	Gray	McCandless
Broyhill	Green	McCloskey
Burton (CA)	Gregg	McCollum
Burton (IN)	Guarini	McCurdy
Byron	Gunderson	McDade
Campbell	Hall (IN)	McEwen
Carney	Hall (OH)	McHugh
Carper	Hall, Ralph	McKernan
Carr	Hall, Sam	Mica
Chandler	Hamilton	Michel
Chappie	Hammerschmidt	Mikulski
Clarke	Hance	Miller (CA)
Clay	Hansen (ID)	Miller (OH)
Clinger	Hansen (UT)	Mineta
Coats	Harkin	Minish
Coelho	Hartnett	Mitchell
Coleman (MO)	Hatcher	Moakley
Collins	Hayes	Molinari
Conable	Hefner	Mollohan
Conte	Heftel	Montgomery
Conyers	Hertel	Moody
Cooper	Hightower	Moore
Corcoran	Hiler	Moorhead
Coughlin	Hillis	Morrison (CT)
Courter	Holt	Morrison (WA)
Coyne	Hopkins	Mrazek
Craig	Howard	Murphy
Crane, Daniel	Hoyer	Murtha
Crockett	Hubbard	Myers
Daniel	Huckaby	Natcher
Dannemeyer	Hughes	Neal
Darden	Hunter	Nelson
Daschle	Hutto	Nichols
Daub	Hyde	Nowak
Davis	Ireland	O'Brien
de la Garza	Jacobs	Oakar
Dellums	Jenkins	Oberstar
Derrick	Johnson	Obey
DeWine	Jones (NC)	Olin
Dickinson	Jones (OK)	Ortiz
Dicks	Jones (TN)	Ottlinger
Dingell	Kaptur	Owens
Dixon	Kasich	Oxley
Donnelly	Kastenmeier	Packard
Dorgan	Kazen	Panetta
Dowdy	Kemp	Parris
Downey	Kennelly	Pashayan
Dreier	Kildee	Patman
Duncan	Kindness	Paul
Durbin	Klecza	Pease
Dwyer	Kogovsek	Penny
Dymally	Kolter	Pepper
Dyson	Kostmayer	Petri
Early	Kramer	Pickle
Eckart	LaFalce	Porter

Price	Sensenbrenner	Thomas (CA)
Pritchard	Sharp	Thomas (GA)
Pursell	Shaw	Torres
Quillen	Shelby	Towns
Rahall	Shumway	Traxler
Rangel	Shuster	Valentine
Ratchford	Sikorski	Vandergriff
Ray	Simon	Vento
Regula	Sisisky	Volkmer
Reid	Skeen	Vucanovich
Richardson	Skelton	Walgren
Ridge	Slattery	Watkins
Rinaldo	Smith (FL)	Weaver
Ritter	Smith (IA)	Weber
Roberts	Smith (NE)	Weiss
Robinson	Smith (NJ)	Wheat
Rodino	Smith, Denny	Whitehurst
Roe	Smith, Robert	Whitley
Roemer	Snowe	Whittaker
Rogers	Snyder	Whitten
Rose	Solarz	Williams (MT)
Rostenkowski	Solomon	Williams (OH)
Roth	Spence	Wilson
Roukema	Spratt	Winn
Rowland	Staggers	Wise
Roybal	Stangeland	Wolf
Rudd	Stenholm	Wolpe
Russo	Stokes	Wortley
Sabo	Stratton	Wyden
Savage	Studds	Wyllie
Schaefer	Stump	Yates
Scheuer	Sundquist	Yatron
Schneider	Swift	Young (AK)
Schroeder	Synar	Young (FL)
Schulze	Tallion	Young (MO)
Schumer	Tauzin	Zschau
Seiberling	Taylor	

NAYS—2

Crane, Philip Nielson

NOT VOTING—41

Akaka	Ferraro	Sawyer
Barnard	Frost	Shannon
Bereuter	Gramm	Siljander
Berman	Harrison	St Germain
Bethune	Hawkins	Stark
Boggs	Horton	Tauke
Boner	Jeffords	Torricelli
Bryant	Leach	Udall
Chappell	Leath	Vander Jagt
Cheney	Martinez	Walker
Coleman (TX)	McGrath	Waxman
D'Amours	McKinney	Wirth
Evans (IA)	McNulty	Wright
Fascell	Patterson	

□ 1400

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 648, CONTINUING APPROPRIATIONS, 1985

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 98-1041) on the resolution (H. Res. 586) providing for the consideration of the joint resolution (H.J. Res. 648) making continuing appropriations for the fiscal year 1985, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 648, CONTINUING APPROPRIATIONS, 1985

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 586 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 586

Resolved, That upon the adoption of this resolution it shall be in order to consider, section 303(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, the joint resolution (H.J. Res. 648) making continuing appropriations for the fiscal year 1985, and for other purposes, in the House. The following amendment shall be considered as pending, and shall not be subject to a demand for a division of the question:

"On page 2, line 14, after the semicolon insert the word 'and';

"On page 2, line 15, strike out the semicolon and insert in lieu thereof a period;

"On page 2, strike out lines 16 through 18;

"On page 6, line 22, strike out the colon and insert in lieu thereof a period;

"On page 6, strike out line 23 and all that follows through line 3 on page 7; and

"On page 11, strike out line 1 and all that follows through line 3 on page 26."

Debate on the joint resolution and on the amendment shall continue not to exceed one and one-half hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, and the previous question shall be considered as ordered on the joint resolution and on the amendment to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, I yield the customary 30 minutes, for purposes of debate only, to the gentleman from Tennessee [Mr. QUILLEN], and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 586 is a rule providing for the consideration in the House of House Joint Resolution 648, the continuing resolution for fiscal year 1985. The rule provides 1½ hours of debate, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives section 303(a) of the Budget Act against consideration of the joint resolution. Section 303(a) prohibits the consideration of legislation providing new budget authority, changes in revenue, increases in the debt limit or new entitlement authority prior to the adoption of the first budget resolution for a fiscal year. The continuing resolution, of course, contains new budget authority for fiscal year 1985; and, as we all know, no budget resolution has yet been adopted for fiscal year 1985. We are on the verge of the start of the new fiscal year. We must adopt a continuing resolution and we must waive

section 303(a) in order to consider the continuing resolution.

The rule further provides that an amendment printed in the rule shall be considered as pending. That amendment is not subject to a demand for a division of the question. The previous motion is considered as ordered on the amendment and on the joint resolution. Finally the rule provides for one motion to recommit.

Mr. Speaker, let me explain what the amendment which is printed in the rule does. On September 14, 1984, last Friday, Chairman WHITTEN presented the Committee on Appropriations with a continuing resolution which simply provided for continued appropriations for programs which are currently funded, but for which appropriations have not yet been enacted because 9 of the 14 regular appropriation bills are stalled in various stages of the legislative process. The Committee on Appropriations ordered that joint resolution reported with a number of amendments, most of which contained legislative provisions or appropriations for activities not currently funded.

Yesterday, on September 19, the Rules Committee heard lengthy testimony from members who wished to add additional amendments. Several Members requested that the rule make in order amendments which would have added entire major authorization bills to the continuing resolution.

Mr. Speaker, the Rules Committee feels very strongly that it is inappropriate to load up a continuing resolution with all sorts of new appropriations and legislative provisions. We certainly sympathize with those Members who have meritorious projects in their districts that have not received funding. We certainly sympathize with authorizing committees which have worked for years on a major authorizing bill. Have managed to push a good bill through the House and then watch as the other body refuses to act on their legislation. However, we cannot continue to operate around here in a manner which ignores the normal legislative process—in which all of our real work is done on appropriation bills and, in particular, on the continuing resolution. It is not fair to the authorizing committees which see their work go down the drain as all attention is focused on the appropriation bills. It is not fair to the Appropriations Committee which is forced to pick up all of the loose ends. And it is not fair to the majority of Members who are not in a position to have their interests protected in the continuing resolution. But most of all, it is damaging to the integrity of the legislative process.

The Rules Committee believes it is time to put a stop to this drift toward Government by continuing resolution. We should simply refuse to include ev-

everything in a continuing resolution. If we take a stand here, we may be able to begin to return to an orderly legislative process.

As a result of these beliefs, the Rules Committee has fashioned a rule which does not make in order any of the additional amendments which were requested at yesterday's hearing. In addition we have provided for consideration of an amendment which should simply strike all of the extraneous matters which were added in the Appropriations Committee markup. Adoption of the amendment would essentially return the continuing resolution to the form originally drafted by Chairman WHITTEN. In which it simply provides for continuing appropriations for currently funded programs.

Mr. Speaker, let me take just a moment more to make sure that every Member understands that the parliamentary situation will be if the House adopts this rule. Upon adoption of this rule the speaker may recognize the Chairman of the Appropriations Committee to call up the continuing resolution for consideration in the House. The amendment I have described above will be considered as pending. No other amendments will be in order. At the conclusion of 1½ hours of debate on the amendment and the joint resolution there will be a vote first on the pending amendment and then a vote on the joint resolution itself.

Mr. Speaker, I want to emphasize that the rule itself does not at all alter the continuing resolution. It provides for consideration of the continuing resolution as reported by the Appropriations Committee. It simply gives the House an opportunity to vote on the amendment which would strip the continuing resolution of all extraneous provisions. It presents the House with a decision: Does this body want to continue the trend toward Government by continuing resolution or do we, as Members of this body, want to be responsible to those constituents who sent us here.

I urge adoption of this rule.

□ 1410

Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I may use.

Mr. Speaker, the rule has been explained, and I know that all the Members listening understand, as I do, that a turkey is a turkey is a turkey. This rule should never have come up on the floor of this House.

The Rules Committee, of which I have been a member since 1965, has never tried before to tell the Appropriations Committee what to do and how to appropriate on the floor of the House. The Rules Committee has the power to do anything that it would like to do if a majority of the House

concur, but I think in this instance the Rules Committee is wrong in trying to impose its will. Rules Committee members are not on the Appropriations Committee and are not as familiar with the appropriations process as the members of the Appropriations Committee.

The chairman of the Appropriations Committee came before the Rules Committee yesterday, and requested a rule on the continuing resolution. Some 17 other members came before the Rules Committee on that day, and requested particular provisions in a rule. The Rules Committee decided to bring a rule before this House, imposing its will against the will of the Appropriations Committee, and it is wrong. A turkey is a turkey is a turkey and this rule is a turkey.

I am opposed to this rule, and I urge that this rule be defeated. It contains an amendment, if the rule is adopted, to knock out every project added by the Appropriations Committee, more than 50 water projects and other projects listed in the bill. I feel that such a rule, such a cutthroat operation should never be allowed to happen to such a fine chairman and ranking member of that committee.

Mr. Speaker, I urge this membership to defeat the rule so that the chairman of the Appropriations Committee can come back to the Rules Committee and the Rules Committee can offer a fair rule, not imposing the will of the Rules Committee against this great committee of this House. Let us just remember that the other committees of the House could be victims of the same cutthroat operation that the Appropriations Committee is suffering. So I would urge the defeat of the rule.

Mr. Speaker, I have other requests for time, and I would hope that the gentleman from South Carolina [Mr. DERRICK] would yield other time at this point.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the distinguished chairman of the Committee on Appropriations, the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Speaker, I wish the entire membership were all here on the House floor. I have listened to our friend, the gentleman from South Carolina. The rule that we have here would not correct the situation the gentleman wishes to correct.

The Rules Committee seeks to correct a situation which is caused by the inaction on the part of the other body. If you adopt this rule, you could send us to conference with the Senate with no protection for the House. On the last 3 bills, the Senate has added 254 amendments to House bills in 1983, 132 amendments in 1982, and 432 amendments in 1981. You send us over there in a position where we cannot protect the hundreds of Members that

we would like to protect against Senate action in this bill. You would strike out matters of importance to House Members, but you keep the \$1.8 billion that we increased foreign aid.

I do not know how you can vote to strike \$138 million for Members of the House and keep an increase of \$1.8 billion for foreign aid. We would have to go to conference and not be able to protect the House Members at all.

May I say again that we have tried our best. We have not sought this job, but in the process, knowing that the other body does not seem to abide by any germaneness rule, they are waiting now for you to send this bill over to them again. If you adopt this rule, you are fixing it where we will be going over there and passing on how much of their stuff they can keep. Nothing of yours will be there.

I cannot understand it. I can understand the Rules Committee being upset and I can understand the legislative committees being upset, but you should not be upset at us for trying to protect the interests of the House.

I hope you will vote this rule down, and I hope that the chairman of the Rules Committee, and the Rules Committee, will realize that we are trying to do the best we can to protect the membership of the Congress of the United States.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. When you strike out \$138 million only for the protection of our own country but insist that we cannot touch the \$1.8 billion in foreign aid, I do not see how you can live with that.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, is the gentleman suggesting to me that we have cut literally millions and millions of dollars out of critical public works projects and put a lot of money in for foreign aid? That is hard for me to believe, I say to the committee chairman.

Mr. WHITTEN. The gentleman is correct. The amount that the Appropriations Committee voted for includes the higher foreign aid amount. I am not complaining that the committee adopted that, but that the Rules Committee has carefully protected that and would allow the \$138 million for vital public works to be stricken.

Mr. LEWIS of California. Mr. Speaker, may I say this?

Mr. WHITTEN. Let me proceed.

Mr. LEWIS of California. They cut critical public works projects but left the foreign aid in? Is that what the gentleman said?

Mr. WHITTEN. The gentleman is correct. That could be the effect if the rule is adopted.

May I say again—and I hope I may have the attention of the gentleman from South Carolina and the chairman of the Rules Committee—that we have worked together for a long time. May I repeat that what you complain about is us turning everything over to the Senate, and what you do, if you adopt this rule, is turn it over to our colleagues in the Senate. I'm sure they are ready to add many, many amendments again. In conference, we will be permitted only to decide whether to give them 50 percent or some other percent of what they want, but we will not be able to help House Members.

Now, for those with the 100 projects in here which look after our own country, despite the fact that the Senate will not pass authorization bills, you will have to explain why you wanted to carry on foreign aid and were unwilling to look after our country.

May I say that we do not have the gold and silver to back our money. We have our own country. We have not had an authorization bill for water projects in about a dozen years to look at. I am saying to my friend, the gentleman from South Carolina, that this with only aggravate a bad situation, and it is fully as bad as I think it is.

Mr. DERRICK. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from South Carolina.

Mr. DERRICK. Mr. Speaker, I point out to the gentleman, as the gentleman well knows, that the first concurrent resolution that went over to the Senate last year was clean and there was no extraneous matter put in it. So how does the gentleman explain that?

Mr. WHITTEN. Well, that is a little different because when it went over there it was for only a 46-day duration.

Mr. DERRICK. That is what we are trying to do again.

Mr. WHITTEN. No. When it came back, it had several Senate amendments in it.

□ 1420

Mr. DERRICK. There was no extraneous material.

There were 26 amendments in it, but it applied only to the matters within this. There was no extraneous matter in it.

Mr. WHITTEN. Let me say this. The only way we could protect ourselves from the Senate taking over was to have a second bill, and I could have a second bill here that if they amend it, we would be forced to do it again.

The gentleman is taking it out on the Appropriations Committee, where we feel just as strongly as the gentleman does, but in the meantime, we want to get a rule that lets us carry this through.

Mr. DERRICK. Well, with all respect to the gentleman's back pocket,

and I know it is a large one and it has helped many people, the fact of the matter is that we did have a clean resolution on the first resolution last year and the fact that the Senate is going to do all this and that, there is a precedent that they will not do it.

Mr. WHITTEN. All I can tell the gentleman is that the other body has done it year after year. I repeat again they added 254 amendments in 1983, 132 in 1982, and 432 in 1981. If we are sent over there and if we adopt this rule where we cannot protect our colleagues, I think it is a mistake to vote for it and I hope you will vote against the rule.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi [Mr. LOTT].

Mr. LOTT. Mr. Speaker, I want to thank the gentleman for yielding me this time.

I rise in support of this rule. This is one time when the Rules Committee members labored really for 2 days to try to figure out what was the best thing to do and the most responsible thing to do on this rule and the continuing resolution. We had 20 witnesses that came before the Rules Committee yesterday asking for their amendment to be made in order to add something or to put the authorization committee level in instead of the appropriations level and to be able to reduce the amount of the continuing appropriation in such areas as foreign aid or in health and human services.

We had at least 10 requests, and we are talking about the continuing resolution.

Now, Mr. Speaker, are we going to go ahead and abolish the Budget Committee, abolish the authorization committees, and even abolish the Subcommittees on Appropriations?

We are beginning to write the whole process into the continuing resolution. I do not blame the Appropriations Committee. I mean, we contribute to their problem by not being able to complete this whole process. But do we want to do it all in the continuing resolution?

There is an orderly process to do these things. Everybody's turf is being stepped on.

We need a straight traditional clean continuing resolution and that is what we have in this rule. The Rules Committee voted 11 to 1 after 2 days of negotiations and good-faith effort to bring a process to the House that was responsible and would get the job done.

Now, think this process through. We are saying, look, if we do not put our goodies in there, it is going to go to the other body and they are going to do it over there. Well, now if the other body wants to do that and be irresponsible, then that is their problem over there, but we should not do that. If we go through the normal process, if we

add our goodies on and they put theirs on, we go to a conference and at 2 o'clock in the morning somewhere over here in the Capitol when 400 of us are somewhere else in this country, a decision is made. We have a lot of extraneous things in here, appropriations that were not even authorized. It could very well go to the President and be vetoed.

Where are we going to be 1 week or 10 days from now? Right back were we are now.

We have the opportunity to pass a clean continuing resolution.

I remind you that a couple years ago, the House acted responsibly. We passed a clean straight continuing resolution. It went to the Senate. They came up with one. We got it through and we went merrily on our way.

Now, we had a number of projects in here. Some Members say, "Well, look, I've got a project in this bill that came out of the Appropriations Committee. I worked on it 2 or 3 years."

Yes, there were 43 or 53 projects in an appropriations bill, but what about the 360 Members whose projects or their interests are not in there?

But regardless of our special parochial interests, what I am arguing is, let us do the right thing here.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I will be glad to yield to the chairman in just 1 minute.

We have an opportunity to vote on it. This is the rule. We are not voting on a motion to strike these extraneous matters now. We are just voting on a rule which sets up a process to have an automatic vote then on striking out the extraneous material.

I would urge my colleagues to vote for this rule.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I would be glad to yield to the chairman, surely.

Mr. WHITTEN. Mr. Speaker, I am familiar with the circumstances concerning the project in which the gentleman is very interested. May I say to the gentleman, I wrote a letter, as chairman of the Appropriations Committee, to the Rules Committee regarding the continuing resolution suggesting that in those places where there was an oversight, or where something was deemed essential, that the Rules Committee might wish to make provision for it.

We have the same problem with the other body as the gentleman does, but allowing this continuing resolution to be stripped down will just aggravate the situation instead of correcting it.

Mr. LOTT. My point is that it is not a matter of a project in Mississippi or a project in Texas or a project in California. What is at stake here is the continuing resolution. We have an opportunity to pass a traditional clean CR. If we defeat this rule, the alterna-

tive is going to be that we will go back up to the Rules Committee and the Rules Committee is going to make everything but the kitchen sink in order and this whole process is going to sink slowly off into the sunset.

I understand we have an agreement on the defense authorization bill which will move the defense authorization and the defense appropriations and the budget; if we do that and pass the debt ceiling bill and a clean CR, we can complete our work early week after next and get out of here.

If we go through this traditional process of upping the ante on the continuing resolution, we are going to be in a mess and we are going to wind up without all these extra projects that we are trying to get and in the process losing a lot of other good projects.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to respond to the gentleman from Mississippi. It is true that there was one member on the Rules Committee who voted against that rule and that one member was JIM QUILLEN, and I am proud of it.

I am surprised that the Rules Committee took 2 days to hatch this turkey we have here today, when a turkey like this is not worth 2 minutes. This is a deliberate action to absolutely muzzle the House Appropriations Committee.

Mr. Speaker, I urge defeat of the rule, because it provides an amendment with an automatic vote to strike these projects.

Mr. DERRICK. Mr. Speaker, before I yield, may I respond to what the gentleman said.

The gentleman is correct. The gentleman from Tennessee was the only member of the Rules Committee that voted against this. The gentleman made a very eloquent plea for his project and I understand his needs. He certainly had my sympathy, but there were other members in the Rules Committee that also had projects and most of us felt that the integrity of the system, the integrity of the Government and the running of this House took a far higher priority than one individual project back home.

Mr. Speaker, for purposes of debate only, I yield 6 minutes to the gentleman from Alabama [Mr. BEVILL].

Mr. BEVILL. Mr. Speaker, we are in a rather unusual situation here. The appropriations for water resource projects are included in the continuing resolution in the same form they passed the House in October 1983.

Now, we have water resource projects all over this Nation that have been waiting up to 14 years to be authorized so that they can be built and this includes our inland waterways and our locks and dams that are crumbling. I have seen most of the major water resource projects in the Nation

and just a few days ago, visited locks 7 and 8 in West Virginia and Pennsylvania in addition, the Gallipolis lock and dam has to be replaced. Those locks are crumbling and some of the cities in those areas are depending on those projects for water supply.

We are courting disaster here in talking about rules. Now, we have been talking about those projects for 14 years. We have not had a new start authorized in 14 years. What we are doing is using an extraordinary procedure, yes, to reestablish and get into conference the bill that this House had passed on October 6 last year. The bill has been in the other body waiting for authorization at our request because Chairman HOWARD, and Chairman ROE, and the Public Works Authorization Committee worked like trojans for many months putting that bill together and the other body has not passed it.

So this is the only way these projects can be built. It is an urgent situation. If you vote for this rule, you are voting for \$1.8 billion in foreign aid to build projects in other countries.

We want a "no" vote, a "no" vote on this rule, so that we can get a rule that we can live with and take care of these emergencies that exist throughout our country.

Ms. OAKAR. Mr. Speaker, will the gentleman yield?

Mr. BEVILL. I yield to the gentleman from Ohio.

Ms. OAKAR. Mr. Speaker, I want to associate myself with the gentleman's remarks.

I cannot even remember a time when I voted against a rule and it is a little provincial, but the gentleman from Ohio, Lou STOKES, and I, the gentleman from Cleveland along with myself and other Members from Ohio, for 8 straight years have testified about something that is vital to the economy of our State, in general the area of northeast Ohio.

□ 1430

I cannot tell you how many times we have gone through this committee, that committee, and so on and finally we thought that there was hope at the end of that rainbow. Now we are seeing that unless we do something that is somewhat unique, all that work will go for naught and we will have to start all over again.

So I reluctantly oppose the rule because I have the greatest respect for the Rules Committee and the process, but there is no avenue to go by and so I want to thank the gentleman for his hard work and support and associate myself with his remarks.

Mr. BEVILL. The gentlewoman is absolutely correct. You have an emergency situation there in Cleveland. We have appropriated money but it is subject to authorization.

Mr. SMITH of Iowa. Will the gentleman yield?

Mr. BEVILL. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. The Rules Committee would not permit the Committee on Public Works and Transportation to add a bill that already passed the House by a 10-to-1 majority, a 10-to-1 majority. What I am afraid of is that we are setting ourselves up here so that about a week after next, at the last minute, we will be faced with voting yes or no on \$299 billion for the military and \$18 billion in foreign aid. We will have the choice between that or taking everything the other body wants to add. We will be in an untenable position under this rule.

Mr. BEVILL. The gentleman is correct.

Mrs. BURTON of California. Will the gentleman yield for a question?

Mr. BEVILL. I yield to the gentleman from California.

Mrs. BURTON of California. What about the breakwater in San Francisco?

Mr. BEVILL. This is one of the many projects which we consider to be urgent.

Mrs. BURTON of California. I thank the gentleman.

Mr. WATKINS. Will the gentleman yield?

Mr. BEVILL. I yield to the gentleman from Oklahoma.

Mr. WATKINS. Mr. Speaker, I urge a no vote. I appreciate what you are doing. In my hometown of Ada, OK, and the five counties around it, we have ground water that has been contaminated and people have to carry water in fire trucks.

Also, my hometown does not even have water rights. We do not even have the water, and if we do not get this, this is the last train for us to have any hope.

Mr. BEVILL. So if you vote aye for this rule you are voting to delay the construction of the Gallipolis lock and dam on the Ohio River, one of the busiest rivers in this country, one that is deteriorating and getting into a dangerous stage. You are voting to stop the second lock on lock and dam 26 in Chicago, and that is very critical.

Mr. DERRICK. Will the gentleman yield?

Mr. BEVILL. Yes, I yield to the gentleman.

Mr. DERRICK. If I might point out to the gentleman, he says if you vote on the rule you are voting to take these projects out. That is not the case. All you are doing is voting for the resolution that will come forward that will give the House that opportunity and time to vote on whether they want the projects or not.

Mr. BEVILL. I understand, and my position is to vote against the rule.

So we need a no vote on this, and let us get these urgent projects built that have to be built.

Mr. QUILLIN. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS. Mr. Speaker, I reluctantly rise in opposition to this rule. As the gentleman from Ohio said, I do not often vote against the rule if it is a sound rule, and would not vote against this one if it were a sound rule.

We in the Appropriations Committee on the last several years have had some differences with the Rules Committee, but on this one it is major differences. On previous occasions we have not always agreed with the rule, but we have been able to support the rule. However, in this case this is one we just simply cannot support.

It is true, if I were charged with the sole responsibility of writing a continuing resolution, it would not be exactly like this. But no one of us would write exactly the same bill.

But this is a bill that I support, did support, and will support if given the opportunity.

As the chairman of our Energy and Water Development Subcommittee has said, there are some projects in there that were placed in from that committee that are very high in priority and have passed this House overwhelmingly, but have been waiting for years for something to be done. We have been unable to do it. The chairman identified several, Gallipolis in West Virginia and Ohio which was just one example where the backup of barges going through, carrying commodities you and I expect, the products that we build in this country for export, where it is costing more money, and taking away the competitive position that we could be in because it cost so much to go through that long delay in going through there.

Also lock and dam 26 at Alton, IL, between Missouri and Illinois. There are many others. We are deepening several of the harbors to 55 feet where we can be more competitive in exporting our grain, more competitive in exporting our coal. This cannot be accomplished because of a stalemate here.

The items that we have put in this continuing resolution are very high priority items. Yes, I would say to the gentleman from South Carolina, we have not always gone with the continuing resolution add items, but I do not think in recent years we have had a continuing resolution that did not have some items that were not authorized. And as the chairman of the committee has said, they always come back from the other body.

Mr. DERRICK. Will the gentleman yield?

Mr. MYERS. I yield to the gentleman from South Carolina.

Mr. DERRICK. The first continuing resolution from last year falls into that category.

Mr. WHITTEN. Will the gentleman yield?

Mr. MYERS. I yield to the chairman.

Mr. WHITTEN. I checked into that a while ago and, as a matter of fact, that first continuing resolution covered a period of only 46 days, that is what the gentleman refers to. It was not for the rest of the year.

Mr. MYERS. That was for a short time, and there have been commitments made both by our committee and the other body as to when we are bringing other bills up. They are not authorized through our body, yet we do not feel comfortable in putting them in the regular bill. We will consider them in the continuing resolution.

These are very high priority items.

One last thing.

Mr. DERRICK. Will the gentleman yield?

Mr. MYERS. I am sorry. I do not have the time. If the gentleman will yield me 1 more minute I will be glad to yield.

As far as the President's balanced budget, I am for that, too. I think all of us are, most every one of us. But the President has the last say about which one of these projects will actually go into construction and how soon.

Several of these are high on his priority list. We are merely providing the vehicle so that the President can do it. He will have the last say-so with this CR. He is the one and only one who will decide whether this one will be constructed this year or wait until next year, or wait until some subsequent year to be built. These are very high priority items.

But I urge you to vote no on this rule so that we can move ahead with progress for our country.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from Michigan [Mr. BONIOR] a member of the Committee on Rules.

Mr. BONIOR of Michigan. Mr. Speaker, I rise in support of this rule. This has been a most interesting debate.

As you can imagine, we agonized over this rule in the committee. As the gentleman from South Carolina has pointed out, each and every one of us on the Rules Committee, the 11 of us who voted for this rule, have projects in this bill that if the rule is passed, and the bill passed the way we prefer it, will not become law, but which we thought that it was in the best interests of the process of this House to do what we have done.

If I could, I would just like to address my colleagues to my right, on the Democratic side of the aisle. The

short-term politics tells you to vote against this rule. Ms. OAKAR has a project; the gentleman from Tennessee [Mr. QUILLEN] talked about his project. Everybody has a little something in there. But let me, if I could, try to put some perspective on the long-term politics.

The people in the White House are sitting there hoping and praying with all of their might that we just load this thing down. They could not be more pleased than if we report a Christmas tree out of here, a turkey with all of the dressings, if I might, because what is going to happen is that the President is going to get this bill and he is going to begin his campaign against Congress with this piece of legislation.

If you think the short-term politics of a project is more important than dealing with that larger issue this fall, I suspect you might want to vote against the rule. But if you think that dealing with the question of a balanced budget is important, and I talk now to my colleagues on the left side of the aisle here, you might consider holding the line. You might back your rhetoric up by voting on this rule and on the CR, clean, as the gentleman from Mississippi [Mr. LOTT] has advocated.

I can envision us playing the game of chicken, going past the beginning of the fiscal year, finding ourselves in a situation in which we have no continuing resolution. I can see politics being played all over the papers of this country and all over the networks, and the Congress will be blamed again for its inability to act.

So I beg you to consider the long-term interests of our party. Consider the long-term interests of a balanced budget.

□ 1440

And I beg my colleagues on this side of the aisle to back up your rhetoric on a balanced budget by voting a clean bill.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, I think this is an extraordinarily good continuing resolution. It comes as close to being a clean document as we have ever had at least in my career, from the Appropriations Committee.

I further think it is a surprisingly good rule because the Rules Committee tampered with it hardly at all, except to provide us the opportunity to remove some sections that normally should not be in appropriations bills.

The Rules Committee resisted some very tempting amendments.

As I listened to the Rules Committee hearing, the committee was given the option of putting a whole foreign aid bill on to this resolution, also a whole public works bill, and also the whole

armed services authorization. It eschewed those opportunities, as it should have.

But what is wrong with this rule is that all we have talked about today are people's public works projects. Nobody has talked about spending at all. What we really ought to be talking about is the total amount of money that we are about to appropriate for the whole of fiscal year 1985.

We are talking about 9 of our 13 appropriations bills, more than half of all the money we appropriate, all rolled up into one lump. This rule does not give us the opportunity to reduce it by 10 cents.

The people of America are talking to us, saying, "Why don't you reduce your spending?" Here we are being given a bill that has all the spending we do, and we are not to be given an opportunity to cut a single dime out.

So, while I think it is a good rule and a good continuing resolution from the Committee on Appropriations, I am keenly disappointed that no one, other than myself, has raised a question or an eyebrow about the spending increases.

I give no one any advice on how to vote on the rule, but I can say for my part I am immensely disappointed that we have no opportunities for spending reductions, and, for that reason, I shall vote "no" on the resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, I support the rule. The Committee on Rules is to be complimented for the responsible manner in which they handled this very difficult situation.

Mr. Speaker, we have 11 days left until the start of the new fiscal year. We have nine of the regular appropriations bills not yet enacted. We must start now toward a continuing resolution that will be signed into law.

When our committee met last Friday we had before us a clean resolution, one that could have been brought promptly to the House floor.

When we left that full committee we had adopted 10 amendments and we had a big mess on our hands. We brought that mess to the Committee on Rules and said, "Bail us out."

The Rules Committee spent all day yesterday listening to Members who opposed the committee-reported resolution.

The Committee on Rules decided to recommend to the House that we go back with a clean resolution. I agree with that recommendation. The resolution reported by the Committee on Appropriations was clearly veto-bait, believe me. It was strongly opposed by

this administration. It would not have been signed into law.

The administration supports this rule.

Mr. Stockman called today and said he supports this rule.

If the amendment carries, then the administration will support passage of the continuing resolution as amended.

If the rule is defeated or if the amendment is defeated, then those of you who have made plans for the week of October 1, forget about it. Look forward to another week or two right here in this Chamber.

My good friend from Tennessee [Mr. QUILLEN] keeps calling this a turkey. Well, let me tell you something: If you do not pass this turkey, you are going to have the biggest pigpen that you have ever seen in your life.

You have seen it here today; they are all down here, saying, "Don't pass this rule; I got to have my project."

And then it gets over to the statesmanlike body over there, can you imagine what they are going to do?

The SPEAKER pro tempore. The gentleman [Mr. CONTE] should not refer to the other body in a derogatory sense in any manner.

Mr. CONTE. That other House where the gentlemen of stature live.

Now the resolution as reported contains two separate public works bills. The so-called new-starts bill which passed the House last year and another package of public works projects that were added by that committee, by our committee.

Altogether, and listen to this, altogether we added 57 new starts, of which 25 are not authorized. We offended the Committee on Public Works, and I do not blame them; we offended that President, and he is exactly right; but most of all, we offended the millions of Americans who have clearly stated that their No. 1 concern is the deficit that faces us in this fiscal year and in the future.

Is this our response by voting down this rule? Is this the best that we can do? If so, then we should stay here, because we certainly will not want to explain this vote back home to our people.

I urge my colleagues, let us get back on the track toward a continuing resolution that will be signed by the President and guarantee us all an early adjournment.

Remember, there are no rollcalls Monday, we have Rosh Hashanah on Thursday, that means we will not have anything on Friday. So when are we going to meet with the other body?

Mr. Speaker, I yield back the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GREEN].

Mr. GREEN. Mr. Speaker, I would like to make just a couple of points in opposition to this rule. First, you

would think from some of the debate that the Committee on Appropriations was asking for some extraordinary privilege from the Committee on Rules in bringing forth a continuing resolution with a modest amount of authorizing language. That is not true.

Our rules contemplate the kind of situation we are facing and they specifically authorize the continuing resolution to have authorizing language without a waiver from the Committee on Rules.

So what the Appropriations Committee has done is not something extraordinary but something that our rules specifically contemplate.

While there may have been occasions in the past where very short-run continuing resolutions have not had such authorizations, we should understand this is a continuing resolution which contemplates what I hope will be the case, that we will not have a lameduck session after the election, and that, therefore, this is going to be our last chance until a new Congress comes and organizes itself next January.

So this is really our last opportunity to deal with these issues for many months.

Finally, I simply would like to make a point that it is not just public works that are at stake here.

The Federal crime insurance program expires September 30 of this year. This program is vitally important to a lot of small businessmen in marginal neighborhoods. It is literally a little-businessman's program and small-householders' program.

The limits are \$15,000 for businesses, \$10,000 for households.

This program is one thing that has done a great deal to stabilize neighborhoods.

If you have a little businessman unable to get crime insurance in marginal neighborhoods, you are going to see abandonments, rapidly, because they cannot afford to stay there once they cannot get crime insurance.

So this is very important not just for people in this House who have public works projects, but if you have small businessmen and householders who are dependent on this crime insurance program, if you have some marginal neighborhoods in your district that could go belly-up and go on to abandonment, if your businessmen and households cannot get crime insurance, this is your last chance to preserve that program which otherwise is going to be dead as can be on September 30.

□ 1450

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from New Jersey [Mr. HOWARD], the distinguished chairman of the Committee on Public Works and Transportation.

Mr. HOWARD. Mr. Speaker, I would like to say to my colleagues we have heard a lot of debate and a lot of reasons why this rule should be sent back to the Rules Committee.

I would like to speak about something that has not been discussed yet. We heard that the Rules Committee, which has a difficult time being pulled and tugged in all directions, worked for 2 full days in developing this rule. Your Committee on Public Works and Transportation has worked for 3 full years to bring before this body the omnibus water resources bill, a bill that looks forward, not backward. In trying to eliminate the old pork-barrel projects that we have had down through the years, that committee evaluated and deauthorized over 300 projects that are no longer needed, saving over \$11 billion.

We brought that bill, involving every State in the Union that have justifiable needs, we brought that bill here on June 29. The House of Representatives, bipartisan, overwhelmingly passed it. Only 33 votes against it.

We have been waiting since June 29 to be able to go to conference with the other body. The other body has not moved at all in our direction.

So, we are here today with one vehicle, this continuing appropriations. We asked the Rules Committee to permit us to offer before the House an amendment that would include this authorizing bill, adding no money to the appropriations, just the same authorizing bill word for word that the House overwhelmingly passed in June. In that way this bill can go to conference. By passing that bill in June the House went on record favoring the bill and wanting to go to conference. The only way we can go to conference is by including it here.

So, I hope that when this rule is defeated that the Rules Committee will merely permit us to offer an amendment, the choice, as the gentleman from South Carolina was talking about in the rule now, just the choice to have the House vote again to see if they still mean what they said on June 29. We want to go to conference. We want to authorize these projects so vital to over 300 Members of this body.

I hope we can vote down the rule and pass a rule that will permit us to have the House say, yes, we want to go to conference. It has to be done this afternoon. It is now or never.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. TAYLOR].

Mr. TAYLOR. Mr. Speaker, there are only a few times the House is given an opportunity by the Committee on Rules to preserve the integrity of the legislative process. This rule is one of those opportunities, and it should not be cast aside in a heated rush to load

up the continuing appropriations resolution.

This rule endeavors to restore proper legislative procedure in this House, because it gets us to the point of considering a clean—and I mean clean from all perspectives—appropriations measure that the leadership of both Houses has determined to be necessary to continue the operation of Government agencies beyond October 1.

Mr. Speaker, during our hearing yesterday, the Committee on Rules was presented with 11 requests from legislative committees or members wanting to attach special provisions to this Appropriations bill.

In addition, we received several complaints that some of the specifics contained in the resolution as reported from the Committee on Appropriations were not authorized, and therefore visited an injustice upon the legislative committees.

The committee could have chosen the easy way, the path of least resistance. Oh yes, we could have given in to all of the requests and reported out a rule that made everybody's amendment in order.

Mr. Speaker, we did not do that. The Committee on Rules chose the hard course, the tough course. We turned down all requests to add extraneous items and we offer the House a rule that provides the opportunity to also strip out the controversial portions of the Appropriations Committee's bill relating to unauthorized projects.

Mr. Speaker, we were fair to everybody. We said "No" to all of them.

Mr. Speaker, our colleagues know that I spent many years as a member of one of the most important legislative committees of this House, the Committee on Public Works and Transportation. I like to think that I know a little something about the legislative process, I like to think that I respect the concerns and desires of all the Members of the House when it comes to public works projects.

At the same time, Mr. Speaker, I do not believe it is the duty of the Committee on Rules to "take care" of everybody's legislative problems.

I do not believe it is the duty of the Committee on Rules to guarantee to a legislative committee that the eventual outcome of the legislative process will be the passage of their particular bill.

This is simply no way for us to do things, I think it is high time we put a stop to it.

Mr. Speaker, this rule says: Enough is enough, this time we will not allow a few individuals to load up a continuing appropriations resolution.

I urge my colleagues to listen to the Committee on Rules, realize that this is indeed the best way to proceed, and to vote for this rule.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Ohio [Mr. LUKEN].

Mr. LUKEN. Mr. Speaker, following up the last speaker I would say that one man's controversy is another man's bacon. Or maybe that follows up the last two speakers.

But as one Member who applied to the Appropriations Committee with projects from the district and was turned down, I feel very assured in supporting the Appropriations Committee and their recommendations. I think this House should support the committee. The House should not necessarily support Mr. Stockman who supports the rule. After all, the OMB also supports the Senate and he supports the \$1.8 billion for foreign aid, which is preserved inviolate, untouchable, in this particular bill.

There are many urgent emergency measures in the Appropriations Committee bill such as Gallipolis. Gallipolis is not in my district or near my district, but it is one that I think is extremely important. It is important to the welfare of the entire country.

I urge that we vote down this bill.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, a turkey is a turkey is a turkey. There is no question about it. I do not think a vote for this rule proves any integrity on the part of the Rules Committee at all.

Rather, I think it is a slap in the face to the Appropriations Committee and to the Public Works Committee, on which I served my first 2 years in this body. I think it is a slap at all of us when the Rules Committee tries this kind of a rule.

Mr. MYERS. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I yield to the gentleman from Indiana.

Mr. MYERS. I thank the gentleman for yielding.

The suggestion has been made here several times that this rule, or the Appropriations Committee, is trying to ride over the authorizing committees.

Did any authorizing committees testify before the Rules Committee an objection to the Appropriations Committee's continuing resolution as we reported it?

Mr. QUILLEN. To my knowledge, no. And I think I was there all the time.

Mr. MYERS. It has been suggested several times it is overriding, we were riding over all the authorizing committees. Certainly that is not the suggestion of the Appropriations Committee, nor is it happening in this continuing resolution.

I thank the gentleman for his comments.

Mr. QUILLEN. I agree and I thank the gentlemen for his contribution.

□ 1500

Mr. Speaker, I feel strongly that this rule should be defeated. Let the Appropriations Committee come back, let the Rules Committee reconsider and correct its error. I know that we all sometimes are prone to try to defend our actions, but I am sure the Members on this floor listening to the debate will agree that this is a bad rule. And a turkey is a turkey is a turkey.

Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey [Mr. ROE].

Mr. ROE. I thank the gentleman for yielding.

Mr. Speaker, I rise today with perhaps some sadness in my heart because I have served with the gentleman here in this House for 15 years. On no occasion have I voted against a rule since I have been in the House of Representatives, on no occasion. This will be the first time that I will vote against the rule.

Let me suggest this: I think the Rules Committee took a monumental courageous step when they came back and they attempted to protect the authorizing committees. I think they have tried that. But there is a very extremely unique situation that exists here that I only pray and hope the Members understand.

In effect, what this rule does is it cancels all water resources projects, and we are relying upon the other body to do their wisdom and their judgment and add what they think is right. That is not wrong. That is part of it. But we have the people's House, 435 Members of this House, who are speaking to the needs of the country.

We spent hours on this floor and we debated the water resources development bill. It was not another pork barrel, whatever. It was meticulously gone through. Every point that had to be made that was good that should have been made we made.

Comments were made here today, "load down the bill." We are not asking anybody to put one single penny into the rules at all, not 1 added cent are we asking for, no more money are we asking for. Let that be the process of the Appropriations Committee and the will of the House, as it should be.

Another point was made that it is a Christmas tree. We are not speaking of a Christmas tree. We are speaking of an authorization process where no project can move in this Nation unless the Congress acts on the project. You have absolutely no vehicle that exists other than this vehicle to work the will of the House. The House has voted already, with only 30 negative votes on that issue.

We speak about increasing the deficit. We do not ask you to increase the deficit. Not a penny do we ask you to

increase. Not a sou, mark, cent, as they would say. That would be the will of the House, and that would be the will of the Appropriations Committee in due course along the line.

Let us talk about two things. "To thine own self be true." My people are drowning in my State. I need help. We have hurricanes in North Carolina, and they need help. We have no water supply left, practically, to speak of, any sustainable water supply in Florida. Our hydropower programs, our flood control programs, is that pork-barrel? Is that something that is evil in America?

Somebody made the comment "the long-term interest of our country," when they spoke about the deficit. Yes; let us speak to the long-term interest of our country, the things our people need to be able to keep the economy going. The vitality, the dynamics, the resurgence of the economics of this country depend upon what we do in rebuilding the Nation. The capital base of the Nation, the economy of the Nation, depends upon that.

There has been no bill passed here since 1970. It has all been bonbons, pick, choose, get the vote, do what you can do. "To thine own self be true," is part of the issue that we are talking about here.

Let me just close on one point, because you have heard me three times here, and I know it is dangerous territory to be on the floor when you speak so firmly, you believe in something. You cannot blame somebody for believing in something in this House. We fight for every one of you. It is not a project that is the issue. It is the building of our own country. Do we have the right in this resolution, do we have the fundamental right to ask us to vote for \$17.9 billion of foreign aid and I cannot get anything fixed in my State for my people, their water supply, the things that Americans need? Is there some evil by somebody coming before this body and suggesting that the Rules Committee take another look?

All we are simply trying to say is to give us a chance to negotiate with the other body, and the only way we can do it is to vote down this rule and give us the chance to make this fight.

Mr. DERRICK. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] is recognized for 6 minutes.

The time of the gentleman from Tennessee [Mr. QUILLEN] has expired.

Mr. DERRICK. Mr. Speaker, I do not come before this body to say that there are any projects that are not needed. There are a lot of things that are needed. But I will tell you something else: There is something else that is needed in this country and in this House and in this legislative process more than all of those projects,

and that is some sort of continuity, some sort of rationale that we can tell the American people that we are in fact serious about getting some handle on finances in this country.

Now, for all of you who have been up here talking about turkeys and all of this, I suggest to you that if you went home and you explained this situation to your constituents, the legislative situation, and they were able to look further than just a dam or further than this little bit of water or that little bit of water, to the entire legislative process, and to see that this trend that has started, that if it is not stopped now could very well break down the entire legislative process, and we could very well, in just a very few years, probably have one concurrent resolution. And that would be the only thing that we would vote on in the period of a year.

I do not need to tell the distinguished chairmen of these committees what a concurrent resolution is. A concurrent resolution is something that we use because our bodies have not done the job that they were supposed to have done, and that is to pass appropriation bills.

Now, I am not going to argue with you whether it is the House or the Senate; but the fact of the matter is that they have not carried out their obligation to the people of this country.

A continuing resolution is something that is an emergency matter, an emergency measure, to continue on so that the Government can run when this body or the other body has not done their work.

But, no. What we intend to do and what we want to do is, we want to add it with everything, we want to add 25 water projects, 25 water projects that have not even been authorized by this body. We want to hang everything that we possibly can on a continuing resolution that is supposed to be simply a matter to cure what we have not done, and that is to go directly through appropriation process and correctly through the authorization process.

Let me say that we on the Rules Committee do not delight in having to sit down here and take all of this abuse. But we really sincerely believe that what we are doing is something that you want us to do and something that you will give us your support on. We have been sitting up there all year listening to chairmen of appropriation committees come up there and complain to us about the Appropriations Committee and complain to us about the process, about what is being done. And what was being done that they were complaining about is what they want us to do now on the continuing resolution. So, you know, somebody better make up their minds whether they really want to run this legislative

process in an orderly manner. And if we really mean what we say when we go back home and we are going to be telling these constituents every day for the next 45 days that what we want is rational Federal budgets and rational spending, and if we really believe that, we are going to vote for this rule for the continuing resolution and we are going to say to the American people that we can rise above this project and this project and that project because we believe in the financial integrity of this Federal Government.

Mr. BEVILL. Mr. Speaker, will the gentleman yield?

Mr. DERRICK. I yield to the gentleman from Alabama.

Mr. BEVILL. The gentleman is obviously very concerned about the integrity of the Government, and I wonder if the billions of dollars of foreign aid provided here, where they are going to build water projects all over the world, is authorized. Is that authorized?

Mr. DERRICK. I will reclaim my time. I am glad the gentleman brought this up, because there has been a strong rumor going around the floor that there was more foreign aid put in there.

Now, let me tell you, the six resolutions were put in there as they were passed by the House, the foreign assistance bill was put in there as it was reported out by the House committee, and the only reason we did not put it in as passed is because it had not been passed. Now, it is either more or less, depending on whether you use the IMF or you do not use the IMF. But that is just in my opinion no argument whatsoever.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. DERRICK. I yield to the gentleman from Mississippi.

Mr. WHITTEN. May I say that I understand the frustrations the gentleman has and the Rules Committee has, and we have the same frustrations. What we are doing here various legislative committees have asked us to do. We have the last legislative vehicle, the last bill. We can live with the frustrations that we all have, the problem is on the other side of the Capitol, but to tear down the one vehicle that helps us live with it would be a serious mistake.

I hope you vote against the rule.

□ 1510

Mr. DERRICK. Mr. Speaker, I thank you for your remarks. You know, you have been up before the Rules Committee, and you pulled out your hair with us all year long. As a matter of fact, I even felt we kind of made you an honorary member, but I guess you will not claim that any more.

Mr. WHITTEN. I say again, this is the only vehicle we have to be able to work with the other body.

Mr. DERRICK. I just say vote for the integrity of this Federal Government and the legislative process.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DERRICK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 168, nays 225, not voting 39, as follows:

[Roll No. 410]

YEAS—168

Archer	Hansen (UT)	O'Brien
Aspin	Harkin	Obeys
Badham	Hartnett	Olin
Barnard	Hefel	Oxley
Bartlett	Hertel	Panetta
Bedell	Hiller	Parris
Bellenson	Hillis	Pease
Bilirakis	Holt	Penny
Boehlert	Hopkins	Pepper
Boland	Hubbard	Petri
Bonior	Hunter	Pritchard
Broyhill	Hyde	Pursell
Burton (IN)	Ireland	Ray
Campbell	Jacobs	Regula
Chandler	Jenkins	Reid
Clinger	Kemp	Ridge
Coats	Kildee	Ritter
Crane, Daniel	Kindness	Roberts
Crane, Philip	Kleczka	Roemer
Dannemeyer	Kontmayer	Roukema
Darden	LaFalce	Rowland
Davis	Lantos	Russo
Derrick	Latta	Schaefer
Dreier	Leland	Schulze
Dymally	Lent	Sensenbrenner
Early	Levin	Sharp
Edgar	Levitas	Shumway
Edwards (CA)	Lewis (FL)	Sikorski
Edwards (OK)	Loeffler	Skeen
Emerson	Long (LA)	Slattery
Erlenborn	Lott	Smith (NJ)
Fascell	Lowery (CA)	Smith, Denny
Fields	Lujan	Smith, Robert
Fowler	Lundine	Snowe
Frank	Lungren	Solomon
Fuqua	MacKay	Spence
Gekas	Madigan	Spratt
Gibbons	Marlenee	Stark
Gingrich	Marriott	Stenholm
Glickman	Martin (IL)	Studds
Gonzalez	Martin (NY)	Stump
Goodling	Mavroules	Tallion
Gradison	Mazzoli	Taylor
Gregg	McCain	Vento
Gunderson	McCandless	Walker
Hall (OH)	McCollum	Waxman
Hamilton	McDade	Weber
Hance	McHugh	Wheat
	McKernan	Whittaker
	Mica	Winn
	Michel	Wolf
	Moakley	Wolpe
	Moody	Wortley
	Nelson	Wyllie
	Nielson	Yates
		Zschau

NAYS—225

Addabbo	Frenzel	Ortiz
Albosta	Garcia	Ottenger
Alexander	Gaydos	Owens
Anderson	Gelderson	Packard
Andrews (NC)	Gephardt	Pashayan
Andrews (TX)	Gilman	Patman
Annunzio	Gore	Paul
Anthony	Gray	Pickle
Applegate	Green	Porter
AuCoin	Guarini	Price
Barnes	Hall (IN)	Quillen
Bateman	Hall, Ralph	Rahall
Bates	Hall, Sam	Rangel
Bennett	Hammerschmidt	Ratchford
Bereuter	Hatcher	Richardson
Berman	Hayes	Robinson
Bevill	Hefner	Rodino
Biaggi	Hightower	Roe
Bliley	Horton	Rogers
Bonker	Howard	Rose
Borski	Hoyer	Rostenkowski
Boucher	Hughes	Roth
Boxer	Hutto	Roybal
Breaux	Johnson	Rudd
Britt	Jones (NC)	Sabo
Brooks	Jones (TN)	Savage
Broomfield	Kaptur	Scheuer
Brown (CA)	Kasich	Schneider
Brown (CO)	Kastenmeier	Schroeder
Burton (CA)	Kazen	Schumer
Byron	Kennelly	Seiberling
Carney	Kogovsek	Shaw
Carper	Kolter	Shelby
Carr	Kramer	Shuster
Chappell	Lagomarsino	Sisisky
Chappie	Lehman (CA)	Skelton
Clarke	Lehman (FL)	Smith (FL)
Clay	Levine	Smith (IA)
Coelho	Lewis (CA)	Smith (NE)
Collins	Lipinski	Snyder
Conyers	Livingston	Solarz
Coyne	Lloyd	Staggers
Crockett	Long (MD)	Stangeland
Daniel	Lowry (WA)	Stokes
Daschle	Lukens	Stratton
Daub	Markey	Sundquist
de la Garza	Martinez	Swift
Dellums	Matsui	Synar
Dickinson	McCloskey	Tauzin
Dicks	McCurdy	Thomas (CA)
Dixon	McEwen	Thomas (GA)
Donnelly	McKinney	Torres
Dorgan	Mikulski	Torricelli
Dowdy	Miller (CA)	Towns
Downey	Miller (OH)	Traxler
Duncan	Mineta	Valentine
Durbin	Minish	Vandergriff
Dwyer	Mitchell	Volkmer
Dyson	Molinar	Vucanovich
Eckart	Mollohan	Walgren
Edwards (AL)	Montgomery	Watkins
English	Moore	Weaver
Erdreich	Moorhead	Weiss
Evans (IL)	Morrison (CT)	Whitehurst
Fazio	Morrison (WA)	Whitley
Feighan	Mrazek	Whitten
Fiedler	Murphy	Williams (MT)
Fish	Murtha	Wilson
Flippo	Myers	Wirth
Florio	Natcher	Wise
Foglietta	Neal	Wyden
Foley	Nichols	Yatron
Ford (MI)	Nowak	Young (AK)
Ford (TN)	Oaker	Young (FL)
Franklin	Oberstar	Young (MO)

NOT VOTING—39

Ackerman	Ferraro	McNulty
Akaka	Frost	Patterson
Bethune	Gramm	Rinaldo
Boggs	Hansen (ID)	Sawyer
Boner	Harrison	Shannon
Bosco	Hawkins	Siljander
Bryant	Huckaby	Simon
Cheney	Jeffords	St Germain
Coleman (TX)	Jones (OK)	Tauke
D'Amours	Leach	Udall
DeWine	Leath	Vander Jagt
Dingell	Martin (NC)	Williams (OH)
Evans (IA)	McGrath	Wright

□ 1520

Mr. BROWN of California, Mrs. HALL of Indiana, Mr. MOORE, Mrs. BOXER, Mr. OTTINGER, Mrs. SCHNEIDER, and Mr. WEISS changed their votes from "yea" to "nay."

Messrs. DANIEL B. CRANE, DAN-NEMEYER, PRITCHARD, LEWIS of Florida, and HUNTER changed their votes from "nay" to "yea."

So the resolution was not agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

● Mr. JONES of Oklahoma. Mr. Speaker, due to a malfunction of the electronic voting system, my vote on the rule to accompany the continuing resolution was not recorded. I would like the record to show that I was present and voted "nay." High technology, while wonderful, is clearly not infallible!●

□ 1530

REQUEST FOR PERMISSION FOR COMMITTEE ON RULES TO HAVE UNTIL MIDNIGHT TO FILE RULE ON HOUSE JOINT RESOLUTION 648, CONTINUING APPROPRIATIONS, 1985

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight tonight to file any rule reported on the continuing resolution.

The SPEAKER pro tempore [Mr. LEVIN of Michigan]. Is there objection to the request of the gentleman from Washington?

Mr. LOTT. Mr. Speaker, reserving the right to object, we are being asked to give unanimous consent for a late filing on a rule where we do not have the foggiest idea of what that rule might be or might not be, or amendments that may or may not be made in order.

Can the gentleman enlighten us a little bit more about exactly what he is asking for and what we are talking about?

Mr. FOLEY. If the gentleman will yield, I would say to the gentleman that the Committee on Rules obviously is faced with the problem of reconsidering the terms under which a continuing resolution is brought to the floor. As the gentleman knows, the House was divided on this question just immediately acted on, and divided on both sides of the aisle.

It is, therefore, our hope that some conclusion can be made this afternoon or this evening by the Committee on Rules. I do not have a map to offer the gentleman from Mississippi to describe what that rule would be, but in the

event that the Committee on Rules were able to come to a conclusion, we would hope that it could be filed tonight in order to be taken up tomorrow and that, what this accomplishes, consideration could also be given to the continuing resolution tomorrow.

Mr. LOTT. Further reserving the right to object, Mr. Speaker, I understand the gentleman cannot really answer that question at this point, because I do not think anybody knows what we will be able to do in the Committee on Rules. I know that we would want to work with the leadership on the gentleman's side of the aisle to expedite this procedure, as we did earlier today. We worked with the gentleman's side to get unanimous consent to bring the rule and we would like to be able to find a way to do that now.

But I would be constrained at this point to object until we have an opportunity for the gentleman from Massachusetts [Mr. CONTE], and the chairman of the committee to maybe talk and get the minority leader, the gentleman from Illinois, to perhaps visit with the chairman of the Committee on Rules and get some idea of where we are headed because now we are being asked to give unanimous consent on something where we do not have the foggiest idea of what we are talking about.

Mr. FOLEY. If the gentleman will withhold his reservation further, perhaps he would yield to the chairman of the Committee on Rules.

Mr. PEPPER. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I would be glad to yield to the gentleman from Florida, further reserving the right to object.

Mr. PEPPER. I thank the gentleman for yielding.

Mr. Speaker, I have asked the Democratic members of the Committee on Rules to meet at 3:45 and we will call a meeting of the full committee sometime shortly thereafter to consider what the next rule might be.

Mr. LOTT. The chairman is saying we are going to have a meeting at 3:45 and he would expect to ask unanimous consent sometime after that?

Further reserving the right to object, Mr. Speaker, I did not quite understand all that the distinguished chairman said. Was he saying that there would be a meeting of the Democratic members of the Committee on Rules to make that decision, and if he is, I am going to object, because we feel that we ought to be involved in this discussion so we would at least be aware. I would yield to our ranking member on that point.

Mr. PEPPER. Mr. Speaker, I did not get the question of the gentleman.

Mr. LOTT. My question was, Mr. Speaker, is there going to be a meeting of the Committee on Rules at 3:45 to discuss this issue?

Mr. PEPPER. If the gentleman will yield further, I thought it appropriate that the Committee on Rules meet this afternoon and consider what kind of a rule, if any, it might offer back to the House. That is the reason I said I called a meeting of the Democratic caucus for 3:45, after which, in due course, the full committee would be called into session this afternoon.

Mr. LOTT. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Tennessee, the ranking member of the Committee on Rules.

Mr. QUILLEN. I thank the gentleman for yielding.

Mr. Speaker, it would seem to me that a bipartisan effect should be made on this rule. I think if the Democrats are going to meet and caucus and decide what is going to be done, why do you invite the Republicans to come to a general meeting?

Mr. PEPPER. If the gentleman will yield further, I think the able gentleman is appearing more naive than he really is. The gentleman knows that it is customary for us to have a caucus and then a full committee meeting. I suspect we will do that this afternoon.

Mr. QUILLEN. If the gentleman will yield further, I certainly do not want to question the gentleman's ability, Mr. Speaker, and I do not plead to be the smartest man in the House, but I think the gentleman is using bad judgment when he calls a Democrat caucus on what is going to be done in the Committee on Rules on this measure. However, I do not mind your caucusing; go ahead.

Mr. LOTT. Further reserving the right to object, until we have an opportunity to discuss this issue on both sides of the aisle and try to find a reasonable solution, and because this vote we just had was a bipartisan vote, I am sorry to say—

Mr. PEPPER. I would think that the full committee should be meeting not later than around 4 o'clock.

Mr. LOTT. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. I thank the gentleman for yielding.

Mr. Speaker, I am concerned. We did have an opportunity here to pass out a clean bill and do it in an orderly fashion, which we did last year. We went over to the Senate and said, "Hey, look; we have a clean bill here. We do not have this bill all loaded down," and the Senate backed down on about 250 amendments or so.

Not knowing in what direction we are going on this rule, Mr. Speaker, I am constrained to object.

The SPEAKER pro tempore. Objection is heard.

NATIONAL QUALITY MONTH

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 304) to designate the month of October 1984 as "National Quality Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

Mr. GILMAN. Reserving the right to object, Mr. Speaker, I do not object, but simply would like to inform the House that the minority has no objection to the resolution being considered.

Mr. LUNDINE. Mr. Speaker, Senate Joint Resolution 304 designating October 1984 as National Quality Month is a simple idea to get Americans to recommit themselves to "Quality First" and to restore the pride and confidence of "Made in America." It is true both in terms of improving our trade competitiveness and in terms of improving our productivity that real attention to quality pays off.

I agree with W. Edwards Demming, the renowned statistician who helped launch Japan's economic miracle in the 1950's, that the fundamental reason for the loss of America's competitive position in the marketplace is neither unfair market practices nor government subsidies, neither automation nor cultural nuance. Rather our decline is due to poor quality practices in manufacturing and services.

Attention to quality is what turned Japan around from a country known for low wages and shoddy products to a nation which now manufactures some of the best quality products in the world. Most of Japan's success today can be attributed to that nation's simple dedication to quality.

I firmly believe that quality is an American idea. For many years "Made in America" was a pledge of high quality to customers around the world. Armed with a reputation for high quality, American goods dominated world markets. The entire country benefited from our commitment to making the best products in the world. Management and labor worked together toward that common objective and as a result, American industries flourished and supported a thriving economy that provided more and more jobs every year.

But in the last decade all of this has changed. As foreign manufacturers have dedicated themselves to quality, they have begun to erode America's position in the marketplace. Part of our problem in international competi-

tion is that we became sloppy as a major supplier of manufactured goods. No other country is up to our technological capability. The competition is not smarter than we are. We simply did not advance quality to the extent we could have. We lost the commitment to high quality that we taught others was essential for productivity and profits.

And whether the measure of trade leadership is productivity or profits, high quality pays tremendous dividends. Doing things right the first time means they don't have to be done over again and that reduces costs and boosts paychecks and profits. Doing things right the first time means there is time to do more things and that means more productivity for the same amount of effort. Quality is the key to saving time and money; quality is the key to productivity.

The principle of high quality was developed in this Nation. From colonial days when our forefathers practiced their trades in small, backyard shops, American goods enjoyed a reputation for high quality and precision crafting. Perhaps we were spoiled by our success. As consumer demands for products rose, we too often fell into the error of seeing high quality as a cause of delay in meeting those demands rather than as a means of improving performance. We misplaced our emphasis.

All of this has begun to change. There is a revival of concern for high quality all over the country. It is evident in the strategies of our major corporations. It is evident in the small businesses on Main Street. There is a spirit where everyone understands the importance of quality. Executives have realized that high quality means customer satisfaction and customer satisfaction means sales. Workers have realized that high quality means jobs. There is a heightened consciousness among workers about quality and the satisfactions associated with taking pride in their work and the products and services they produce.

This commemorative legislation is an important opportunity to increase corporate and public awareness about the need for "Quality First." It is an important opportunity for everyone to acknowledge the vital role quality plays in producing goods and services for the international marketplace. It is an important opportunity to rededicate ourselves to the idea that "Made in America" means "Quality First."

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 304

Whereas the United States has been pre-eminent in quality technology development since the Industrial Revolution;

Whereas the performance and spirit that typified early American craftsmen was based on individual interest in quality of goods and service;

Whereas the pride of workmanship that once prevailed must be reinforced through a renewed commitment to quality and knowledge of quality technology in more complex contemporary industrial, commercial, and governmental organizations;

Whereas American goods and services represent the highest standards of excellence in quality;

Whereas the strength of the Nation relies on the ability of industry to produce quality goods and services;

Whereas the United States must produce high quality goods and services to maintain a position of leadership in the world marketplace;

Whereas the commitment to quality involves recognition and implementation of a consistent quality policy, the use of quality technology, and utilization of talents throughout an organization toward quality improvement;

Whereas the emphasis on quality in manufacturing and service will increase productivity through emphasis on defect prevention, waste reduction, and improved reliability of products and services;

Whereas the White House Conference on Productivity Report of the Preparatory Conference on Private Sector Initiatives recommended that a quality awareness campaign be implemented at the National level and within the private sector to demonstrate that rapid improvement in quality and productivity is essential to the survival of the national economy;

Whereas the American Society for Quality Control has been a leader in the development, promotion and application of quality and quality related technology since 1946;

Whereas the American Society for Quality Control is engaged in a campaign to convince officials in government and industry that increased productivity, reduced costs, and consumer satisfaction will result from commitment to improved quality standards;

Whereas the American Society for Quality Control will sponsor activities to observe National Quality Week; and

Whereas the theme of National Quality Week will be "Quality First" to emphasize that quality is an integral part of the processes that produce goods and services: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of October 1984, is designated as "National Quality Month" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate programs and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WORLD WAR I ACES AND AVIATORS DAY

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil

Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 333) to designate September 21, 1984, as "World War I Aces and Aviators Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. GILMAN. Reserving the right to object, Mr. Speaker, I do not object, but simply would like to inform the House that the minority has no objection to the legislation being considered.

Mr. BROYHILL. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from North Carolina.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. BROYHILL. Mr. Speaker, I rise in support of Senate Joint Resolution 333. Introduced by the distinguished Senator from North Carolina, Mr. HELMS, the resolution designates September 21, 1984, as "World War I Aces and Aviators Day."

There are only 60 known surviving Aces of World War I. These heroic men defended the skies of Europe with valor and distinction in a war which began 70 years ago.

It is appropriate that this day be set aside to express our gratitude and respect for these air warriors for their extraordinary feats in the defense of this country's liberty.

Thank you.

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 333

Whereas World War I, the "war to end all wars," began seventy years ago;

Whereas that war spawned a new breed of warrior, the aviator, who engaged in single combat high above the conflict on the ground;

Whereas these truly remarkable men defended the skies of Europe with valor and distinction;

Whereas some of these aviators achieved the title "Ace" by gaining at least five confirmed victories over opponents in the air;

Whereas there are only about sixty known surviving Aces of World War I, who meet periodically to share memories of a conflict familiar to many Americans only through recorded history; and

Whereas all Americans should express their gratitude and respect for these gallant air warriors for their extraordinary feats in defense of liberty: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 21,

1984, is designated as "World War I Aces and Aviators Day" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate programs and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL HISTORICALLY BLACK COLLEGES WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 340) to designate the week of September 23, 1984, as "National Historically Black Colleges Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. *pro tempore*. Is there objection to the request of the gentlewoman from Indiana?

Mr. GILMAN. Reserving the right to object, Mr. Speaker, I do not object, but simply would like to inform the House that the minority has no objection to the legislation being considered.

Mr. CAMPBELL. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from South Carolina.

Mr. CAMPBELL. Mr. Speaker, it is with great pleasure that I rise in support of Senate Joint Resolution 340, which designates the week of September 23 as "National Historically Black Colleges Week" to recognize the contributions that have been made by black colleges and universities of this Nation. This legislation is the companion bill to House Joint Resolution 637, which I introduced, and I urge the adoption of the resolution.

I would like to thank the numerous cosponsors of this bill, along with the distinguished member on the Post Office and Civil Service Committee. The chairman of the committee, Mr. Ford, and the chairwoman of the Subcommittee on Census and Population, Mrs. Hall, deserve special recognition for their interest and assistance on this bill.

The 103 historically black colleges and universities in the United States have made significant contributions to the progress of education among blacks over the last century and a half. I am especially pleased to have seven of these outstanding institutions in my State of South Carolina: Allen University, Benedict College, Claflin College, Clinton College, Morris College, South Carolina State College, and Voorhees College. These schools, along with their counterparts around the country, graduate more than

30,000 young black Americans each year in every field of education. In fact, over 85 percent of the black doctors and lawyers in this Nation are graduates of one of these postsecondary institutions.

History attests to the many achievements of those who have excelled in the area of black education. Mr. Speaker, I am pleased to have sponsored this resolution, and I urge the adoption of this bill.

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER *pro tempore*. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

H.J. RES. 340

Whereas there are one hundred and three historically black colleges and universities in the United States;

Whereas they are providing the quality education so essential to full participation in our complex, highly technological society;

Whereas black colleges and universities have a rich heritage and have played a prominent role in American history;

Whereas these institutions have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of these historically black colleges are deserving of national recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of September 23, 1984, is designated as "National Historically Black Colleges Week" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States and interested groups to observe that week by engaging in appropriate ceremonies, activities, and programs, thereby showing their support of historically black colleges and universities in the United States.

● Mr. LUKEN. Mr. Speaker, it is with great pleasure that I rise in support of Senate Joint Resolution 340 designating the week of September 23, 1984, as "National Historically Black Colleges Week."

I have cosponsored this legislation in order to recognize the many achievements of America's historically black colleges and universities.

Today there are 103 historically black colleges and universities in the United States. Many are more than 100 years old and have played a prominent role in our country's history.

The historically black colleges and universities have produced more than 70 percent of all black college graduates since the founding of our Nation. More than half of black business executives and elected officials are graduates of these institutions, as are 75 percent of black military officers and more than 85 percent of black doctors and lawyers.

The 103 historically black colleges and universities have championed the cause of equal opportunity and given a chance to many who had been denied it. These institutions represent a source of pride to many and, therefore, merit recognition by the Congress of the United States as a small tribute for their longstanding contributions to America.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.●

GENERAL LEAVE

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate joint resolutions just passed.

The SPEAKER *pro tempore*. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

RAILROAD SAFETY IMPROVEMENT ACT OF 1984

The SPEAKER *pro tempore*. Pursuant to House Resolution 562 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5585.

□ 1545

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5585) to authorize appropriations for carrying out the Federal Railroad Safety Act of 1970, and for other purposes, with Mr. WEAVER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from New Jersey [Mr. FLORIO] will be recognized for 30 minutes and the gentleman from New York [Mr. LENT] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. FLORIO].

Mr. FLORIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the House is now considering H.R. 5585, the Railroad Safety Improvement Act of 1984. This important piece of legislation, which will help improve both the safety of rail operations and the safety protections provided to railroad employees. The recent tragic Amtrak accidents have highlighted the importance of rail safety. The bill also reauthorizes

the safety functions of the Federal Railroad Administration [FRA].

Before I highlight the key provisions of the bill, let me assure you that our committee is very concerned with the recent accidents on Amtrak. Recently, I requested the General Accounting Office to investigate Amtrak's safety procedures. I have also developed an amendment to this bill, which I will offer shortly, to further strengthen the rail safety program. This amendment will focus on improving the inspection procedures to ensure safe track, among other areas.

Let me highlight some of the key provisions of the bill. First, the bill would require the Secretary of Transportation to issue a final rule within 60 days of enactment, to ensure the prevention of alcohol and drug use in railroad operations. Alcohol and drug use are a major problem adversely affecting the safety of rail operations. A number of recent accidents have been attributed to alcohol or drug use. Indeed, published reports indicate that drug use may have been a factor in the recent head-on collision of two Amtrak trains in New York. It is clear that regulatory action is needed. I am pleased that, shortly after this bill was reported, the Secretary issued a notice of proposed rulemaking in this area. The Secretary has indicated she hopes to have a final rule in place by fall. In the meantime, this provision will keep the pressure on.

In the same area, the bill also requires the Secretary to encourage the formation of a private, nonprofit corporation to support and promote greater employee awareness of the drug and alcohol problem and to encourage peer intervention. This innovative provision was the result of the initiative of the ranking minority member of the subcommittee, the distinguished gentleman from New York, Mr. LENT.

The bill will also improve the safety protections available to railroad employees. The current law protects from retaliation those employees who report safety violations or who refuse to work under certain limited conditions presenting an imminent danger of death or serious injury. However, the usual remedy is backpay and/or reinstatement, if an employee is suspended or discharged in retaliation. Unfortunately, there is no remedy where an employee is harassed, but not suspended or discharged. This bill would allow such an employee to be awarded appropriate compensation of up to 1 year's pay. This remedy is justified because of the need to ensure safe railroad operations and to protect employees who seek to promote safety.

The bill would also provide standing to employees to sue the Department of Transportation where the Secretary has failed to perform a nondiscretionary, enforcement related act or duty

and such failure results in a danger of serious injury or death to employees. Concern has been expressed that the FRA has failed to properly enforce the rail safety laws and regulations. This provision would provide a remedy, as the court would be able to compel performance of the nondiscretionary act or duty. I want to emphasize that this remedy would only be available where the Secretary has failed to perform a nondiscretionary act—an act the Secretary is required by law to perform.

The bill also requires the FRA to examine two areas of safety concern—the maintenance, inspection, and testing of grade crossing warning devices and the need for qualification standards for employees who inspect and test brakes and inspect freight cars. Several of the recent Amtrak accidents occurred at grade crossings. It is crucial that grade crossing warning devices be adequately inspected and maintained.

Finally, the bill reauthorizes the safety functions of the FRA for 2 years. The bill would specifically reauthorize the State safety participation program. Under this program, half the cost of State safety inspectors are paid for by the Federal Government. There are currently about 102 such State inspectors. The administration has recommended eliminating the funding for this program. If this proposal were implemented, most of these inspectors would be eliminated and rail safety would suffer.

This is an important bill to improve the safety of rail operations, and I urge the support of the House.

□ 1550

Mr. LENT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 5585, the Railroad Safety Improvement Act of 1984.

H.R. 5585 reauthorizes the Federal Railroad Administration's Rail Safety Program for 2 years and authorizes funds for conducting safety research and development. The bill also authorizes funds for the State Rail Safety Participation Program. This program reimburses States for expenses associated with the employment of State safety inspectors. Currently, there are over 100 safety inspectors employed by participating States.

In recent years, the safety of railroad operations has greatly improved. During 1983, the total number of accidents was the lowest ever. Railroad worker fatalities dropped 24 percent over the 1982 level and injuries declined 15 percent over the same period.

Despite this positive trend, serious safety hazards still exist. We have all become increasingly troubled by the recent rash of accidents which has occurred on our Nation's rail passenger lines. Some of these incidents have oc-

curred at highway grade crossings. Appropriately, section 3 of the bill requires the Secretary to issue regulations as may be necessary to ensure the safe maintenance and testing of signal systems and devices at highway grade crossings.

One of the most serious of the recent rail accidents took place in New York. A head-on collision between two passenger trains occurred on a trestle in Queens, NY; 1 person was killed and 106 were injured.

It recently has been brought to our attention that one of the signalmen involved in this tragic accident may have been under the influence of drugs. This incident, as well as others, has raised serious concerns about drug and alcohol use in rail operations and grade crossing safety.

In this light, the consideration of the bill by the House is particularly timely. Section 10 of H.R. 5585, which I offered as an amendment at the subcommittee level, would require the Secretary of Transportation to encourage the establishment of a nonprofit corporation within the rail industry to foster prevention of alcohol and drug abuse. This program would be a private initiative, funded by voluntary contributions from rail employees, with matching grants from rail carriers. The Federal Railroad Administration will be authorized to provide startup support in an amount not to exceed \$100,000 for this initiative.

The Federal Railroad Administration has recently issued a proposed rule on the use of alcohol and drugs in railroad operation. The rule seeks to address the problem of drug and alcohol use at many different levels—ranging from preemployment screenings to post accident testing. The Administration plans to have this rule finalized and in effect by this fall. I hope that a consensus can be reached on the details of the rule so that the industry can quickly set about to resolve this serious safety problem.

Questions have been raised as a result of the recent rash of Amtrak accidents on the crashworthiness standards for rail passenger cars, the inspection of track and the notification of train crews as to threatening weather conditions. My colleague, Chairman FLORIO, will be offering an amendment, which I will support, to require the Secretary of Transportation to conduct a rulemaking proceeding in these areas. This amendment will also require the Secretary to conduct an inquiry into whether training standards are necessary for train dispatchers. If the inquiry shows that a rulemaking proceeding is necessary, she is given the flexibility to conduct a rulemaking proceeding on this issue. This portion of the amendment responds to the Amtrak accident which occurred in

Queens, NY, which may have been caused by a dispatching error.

While I am supportive of the provisions of the bill which improve rail safety, I am, however, troubled by the concerns raised by the Administration with respect to section 6. This section would grant employees, or their union representative, "standing" to sue the Secretary of Transportation. Current law permits standing in emergency situations where a danger of "imminent injury" to a rail worker exists.

Section 6 would broaden standing to such a degree that the administration fears its prosecutorial discretion would be virtually nonexistent. The effectiveness of the Safety enforcement Program would be severely undermined by costly and time-consuming litigation. Indeed, the Department of Justice recognizes the increase in litigation in this area is potentially overwhelming in terms of volume and opposes the provision as it would subject any decision by the Secretary concerning enforcement of railroad safety laws to review.

In conclusion, Mr. Chairman, while I support H.R. 5585, I do have some serious reservations over the wisdom of section 6.

Thank you.

Mr. RUDD. Mr. Chairman, will the gentleman yield?

Mr. LENT. I yield to the gentleman from Arizona.

Mr. RUDD. I simply would like to get a clarification on this bill, if I may. The railroads have had 100 years of impeccable record in the preservation of safety regulations, of devising their own safety regulations which were strictly enforced, and when disobeyed, just punishment, up to dismissal, was immediately carried out, where other members of the railroad community or fraternity, if you want to put it that way, were willing to indicate when a brother had taken too much alcohol, or any alcohol at all, in order to break those strict rules, to assure that this carrier of our fellow citizens, of human beings, would result in no injury or damage or accidents that could have taken place.

Now, this piece of legislation is imposing Government regulations on this to carry out what the railroads have always been able to do for themselves. I know there is an answer to this and I am just wondering why we need this piece of legislation in view of the record that the railroads have had for over 100 years.

Mr. LENT. The gentleman is correct. Our hearings indicated, and the statistics indicate that over the years the number of accidents and fatalities on our Nation's railroads have been reduced to the point where, in 1983, we had fewer than ever.

But, by the same token, during 1984, we have had a rash of accidents. Our hearings indicated that there has been

a great deal of evidence that the use of alcohol and drugs by railroaders has been on the increase. Evidence shows that the old system of turning in your buddy or stopping your buddy from taking the helm of a railroad locomotive has been breaking down.

So we have been working, and we have encouraged work between the Federal Railroad Administration and the Brotherhoods, to try to develop some sort of a rule that will not be too onerous, but yet will set up a system whereby individual railroaders who are involved with drugs, or feels they have been overcome with alcohol, addiction can seek out guidance and help.

So I am pleased to be able to say to the gentleman from Arizona that the Federal Railroad Administration's rulemaking is presently in the works. It is unfortunate that we have to put this directive in this legislation. But, we feel we have to respond to the circumstances that exist in the railroads involving drugs and alcohol.

Mr. RUDD. I understand there will be some Federal funds involved, perhaps \$100,000. What will they be used for?

Mr. LENT. As I said in my opening remarks, that \$100,000 would be start-up money for the establishment of a program. That program will then be voluntary and it would be thereafter completely financed by contributions and matching funds from individuals and the rail corporations themselves.

Mr. RUDD. I thank the gentleman from New York for his responsible statement.

Mr. FLORIO. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas [Mr. GLICKMAN].

□ 1600

Mr. GLICKMAN. Mr. Chairman, I support this bill. I think it is very important.

Mr. Chairman, the subcommittee I chair on the Committee on Science and Technology has been concerned about railroad safety for a number of years. We have held a series of hearings on this issue. We are particularly concerned about the skyrocketing rate of derailments in the late 1970's. That number of derailments annually peaked in 1978 to 8,763 derailments, but that has dropped down to about 3,000 in 1983. The Staggers Rail Act may have contributed to this reduction either by increasing revenues to the railroads or by making abandonments easier. But still there remain many problems with the Federal Railroad Administration's rail safety program. I would like to list four of them. No. 1, track inspectors: They have only 88 track inspectors for the entire country. In 1982, the GAO found that the FRA's primary means of monitoring industry compliance with Federal safety standards were time consuming

and ineffective. No. 2 has to do with Amtrak contracts. Most people do not realize that Amtrak has an agreement with the railroads over which Amtrak operates to protect the railroads from accident liability risks.

The taxpayer must assume those risks.

That whole process causes me great concern in terms of who actually is responsible for maintaining the roadbeds, Amtrak or the railroads or perhaps the Federal Government.

No. 3, reduction in track standards: The National Transportation Safety Board has expressed its concern about the FRA's reduction in track safety standards in 1982. In fact, NTSB has indicated a number of concerns on safety issues that are routinely ignored by the FRA. No. 4, little use of modern technology: Our subcommittee found that there are several areas where the FRA really has not modernized. The automated track geometry cars, now these are cars that Amtrak has recently started systemwide track inspection, using modern track geometry cars, something which many folks advocated several years ago. Use of those track geometry cars could have saved lives and injuries in recent derailments.

No. 2 is weather and communications. There is no current regulation requiring that railroad locomotives have access to severe-weather warnings, nor that they even have a working radio. Imagine that, no regulation requiring railroads even have communication equipment.

Three is lack of modern signaling systems. Only recently through the efforts of Mr. FLORIO has modern signaling equipment systems been implemented in the Northeast corridor.

Finally, unprotected grade crossings are still a major problem and cause most of the fatalities.

In short, Amtrak and the FRA rely almost totally on private railroads to assure public safety. That is in sharp contrast to the way things are done in aviation.

Now, notwithstanding all of the above, this is a fine bill that will help promote rail safety. We have had a whole slurry of rail accidents in this country the last couple of years, accidents which have been caused by many, many factors. Some have to do with poor performance of operators of the railroads, some have to do with bad track. The fact of the matter is that people who ride on Amtrak or people who live near Amtrak or freight lines need to be assured that the railroads are safe in the same way that they believe our air system is safe in this country.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. FLORIO. I yield 1 additional minute to the gentleman from Kansas.

Mr. GLICKMAN. I thank the gentleman for yielding.

Mr. Chairman, one of the amendments the gentleman from New Jersey is going to offer will deal with the issue of weather and communications. I intend to support it. I also intend to offer an amendment which will require basically a statement of disclosure of how much the railroads have spent before and after the Staggers Act to improve track and roadbed and capital equipment. The railroads are one of the reasons why this country is strong. They are still probably the strongest form of transportation in America. We have to make sure they are safe, safe to ride on for passengers, safe to transport freight.

Mr. Chairman, this bill will help on that process.

Mr. LENT. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. MOORE].

Mr. MOORE. Mr. Chairman, I rise in support of the railroad safety improvements of H.R. 5585 to stop alcohol and drug abuse by persons who operate our railroad trains. This bill also upgrades Federal inspection of railroad tank cars to make sure new safety standards for flammable gases and other hazardous commodities are met.

We cannot permit repetition of train derailments where an engineer or brakeman is functionally incapacitated because of alcohol consumption or drug use before or during work. Nearly 2 years ago, on September 28, 1982, more than 3,000 residents of my congressional district, Livingston, LA, had to flee their homes literally for their lives under emergency conditions for as long as 2 weeks, when an Illinois Central Gulf railroad freight train derailed causing tank car explosions and toxic chemical release. Hundreds of thousands of dollars in immediate physical property damage resulted. The National Transportation Safety Board after investigation held this derailment was caused by the train's engineer who did not operate it safely due to alcohol consumption. This horrible accident did not have to happen. Had this bill been law, perhaps it would not have.

Fast civic coordination and public response insured no loss of life occurred, but the magnitude of potential human danger remains fresh in the minds of the residents of Livingston and other communities nearby where the same rail line passes.

On August 2, I submitted testimony to a Department of Transportation panel on rail safety calling for fast and effective action to prevent the events of the Livingston derailment from being repeated. This bill serves that purpose, and I support it.

Mr. FLORIO. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma [Mr. WATKINS].

Mr. WATKINS. I thank the gentleman for yielding.

Mr. Chairman, I would like to engage the chairman [Mr. FLORIO] in a colloquy.

I wonder if I might have a moment of the chairman's time to discuss with him what I consider to be a serious rail safety issue. I am referring to the problem of accidents which often occur at rural, low traffic volume highway/rail grade crossings.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. WATKINS. I yield to the gentleman.

Mr. FLORIO. I thank the gentleman for yielding.

Mr. Chairman, I would be glad to discuss this important matter with the gentleman from Oklahoma [Mr. WATKINS].

Mr. WATKINS. Mr. Chairman, thank you. Without question, we have made headway in improving safety conditions at the most dangerous highway/rail grade crossings, and the chairman and the members of the Public Works Committee should be saluted for their efforts. But, there are problems remaining that are unique to rural areas. There are over 200,000 highway/rail crossings in this country and many, perhaps more than half, are located in rural and small town America with relatively low volumes of highway and rail traffic. In my State of Oklahoma, 95 percent of the grade crossings are located in rural areas. I know many of my colleagues represent rural districts with similar grade crossings. These crossings continue to experience accidents, injuries, and fatalities. Such tragedies cannot be ignored, and they cannot be accepted. I believe there are many things that can be done to improve these crossings at a reasonably low cost. I feel that reflectors on railroad cars may be a solution, but I am willing to try an alternative. The Federal Highway Administration, in conjunction with the State of Illinois, Southern Railway Co., and several local communities, recently completed a low-cost rail/highway crossing corridor improvement project utilizing several techniques particularly appropriate to these low traffic volume crossings. The Federal Highway Administration, in fact, has found that utilizing low-cost rail corridor techniques similar to those in this Illinois project could be of significant benefit. I am convinced that the Congress and Federal Government must develop, refine, and increasingly utilize this type of low-cost grade crossing safety improvement alternative. Mr. Chairman, I know that you share my interest and concern about this matter. In that regard, I intend to pursue with you and with our colleagues the creation of a special national program to examine and demonstrate innovative, low cost approaches

to safety improvement at low-traffic-volume highway/rail grade crossings. At this time, I envision the implementation of three or four such corridor demonstration projects at various locations around the country. These projects would be carried out by the Federal Highway Administration with funds from the Federal highway trust fund with the advice and assistance of the Federal Railroad Administration, State and local agencies, and the railroads. Such information will be invaluable especially to State and local officials in their efforts to eliminate deaths and injuries at these locations. Mr. Chairman, thank you for the opportunity to bring this matter to the attention of our colleagues. I hope I can have your support and assistance in pursuing this low-cost rail/highway crossing corridor improvement program which I have discussed.

Mr. FLORIO. The gentleman from Oklahoma has eloquently described what is truly an important problem. But, as the gentleman indicates, it is a problem for which effective solutions can and must be developed. I would additionally point out that while low-traffic-volume grade crossings frequently exist in rural areas, they are also found in our cities and towns. I would hope and anticipate that the demonstration effort described by the gentleman and the knowledge gained therefrom would be applicable to appropriate urban locations. You certainly have my support, and I look forward to working with you.

Mr. WATKINS. The chairman is absolutely correct about urban low-traffic-volume crossings. The problems and solutions of such locations would certainly be fully examined in the demonstration program I propose.

● Mr. JEFFORDS. Mr. Chairman, I rise in strong support for the amendment which will be offered by the gentleman from New Jersey, Mr. FLORIO, on track inspections and weather monitoring.

This past summer the people of Vermont and the Nation were made brutally aware of the need for adequate weather monitoring and track inspections when on July 7, Amtrak's Montrealer train, making its daily morning run north through Vermont to Montreal, derailed at a collapsed culvert weakened by heavy summer rains. This accident, one of the worst in Amtrak's 13-year history, claimed 5 lives, and resulted in numerous injuries and extensive damage to equipment and railbed. Suffice it to say this accident could have been averted if there had been in place a system of alerting the train of severe weather conditions and conducting a spot inspection of hazardous track sections.

Throughout this country our so-called structural infrastructure is showing signs of age and is sorely in need of

repair. Nowhere is this more apparent than in the Northeast where structures are old and harsh weather conditions have paid their toll. Short of replacing all aging track, bridges and grade crossing, a system of weather monitoring and track inspections will increase the safety and reliability of our railroads.

As a result of the Vermont incident, Central Vermont Railroad, one of three rail lines over which the Montreuil runs, now requires that weather conditions be monitored continuously and that all Amtrak engines using their lines be furnished with radio equipment to receive this information. It is unfortunate that actions such as this are many times only taken after tragedy strikes. But, nonetheless, I am encouraged by this action and hope that it will be effective in avoiding future mishaps.

The amendment presented by the gentleman from New Jersey, today, as I understand it will direct the Federal Railroad Administration to issue rules to establish a similar system coupled with track inspections nationwide. To avoid a repeat of the unfortunate incident that occurred in Vermont this summer, I urge all my colleagues to support this provision.●

□ 1610

Mr. LENT. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. FLORIO. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the reported bill shall be considered as an original bill for the purpose of amendment, and each section shall be considered as having been read.

The Clerk will designate section 1.

Mr. FLORIO. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The text of the committee amendment in the nature of a substitute is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Railroad Safety Improvement Act of 1984".

PREVENTION OF ALCOHOL AND DRUG USE IN RAILROAD OPERATIONS

SEC. 2. The Secretary of Transportation shall, within 60 days after the date of enactment of this Act, issue a final rule or regulation to ensure the prevention of alcohol and drug use in railroad operations.

GRADE CROSSING SIGNAL SYSTEM SAFETY

SEC. 3. Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is amended by adding at the end a new subsection as follows:

"(l) The Secretary shall, within 180 days after the date of enactment of the Railroad Safety Improvement Act of 1984, issue such rules, regulations, orders, and standards as may be necessary to ensure the safe maintenance, inspection, and testing of signal systems and devices at railroad highway grade crossings."

POWER BRAKE AND FREIGHT CAR INSPECTIONS

SEC. 4. Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by section 3 of this Act, is further amended by adding at the end a new subsection as follows:

"(m) The Secretary shall, within 180 days after the date of enactment of the Railroad Safety Improvement Act of 1984, issue such rules, regulations, orders, and standards as may be necessary to define qualification standards for employees who conduct railroad power brake inspections and tests and railroad freight car inspections required under the Federal railroad safety laws, as such term is defined under section 212(e), or under any regulation issued under such laws."

PROTECTION OF EMPLOYEES AGAINST DISCRIMINATION

SEC. 5. (a) Section 212(c)(1) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 441(c)(1)) is amended by inserting ", and any proceeding with respect to such dispute, grievance, or claim shall be expedited by the Adjustment Board (or any division or delegate thereof) or any other board of adjustment created under section 3 of the Railway Labor Act so that such dispute, grievance, or claim is resolved within 180 days after its filing with such Adjustment Board or other board of adjustment" before the period.

(b) Section 212(c)(2) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 441(c)(2)) is amended by adding at the end the following new sentence: "If the violation of subsection (a) or (b) is a form of discrimination other than discharge, suspension, or any other discrimination with respect to pay, and no other remedy is available under this subsection, the Adjustment Board (or any division or delegate thereof) or any other board of adjustment created under section 3 of the Railway Labor Act may award the aggrieved employee appropriate compensation up to the equivalent of 1 year's pay for such employee."

STANDING TO REQUIRE THE PERFORMANCE OF NONDISCRETIONARY ACTS

SEC. 6. The Federal Railroad Safety Act of 1970 is amended by inserting after section 212 the following new section:

"SEC. 212A. CIVIL ACTION BY EMPLOYEES.

"(a) Except as provided in subsection (b), any employee of a rail carrier or any authorized representative for collective bargaining of a craft or class of such employees may commence a civil action against the Secretary of Transportation to compel the Secretary to perform any act or duty related to enforcement under the Federal railroad safety laws, as such term is defined in section 212(e), which is not discretionary, if the failure to perform such act or duty creates a danger of serious injury or death to such employee or employees.

"(b) No civil action may be commenced under subsection (a) before the expiration of 60 days after the plaintiff has given

notice to the Secretary of the alleged failure of the Secretary to perform an act or duty which is the basis for such action, including specific reference to the alleged violation or violations of the Federal railroad safety laws involved. Notice under this subsection shall be given in such manner as the Secretary shall prescribe by rule.

"(c) Any civil action under subsection (a) shall be brought in the United States district court for the District of Columbia, or the United States district court for the judicial district where the alleged violation or violations of the Federal railroad safety laws has occurred or is occurring.

"(d) When two or more civil actions brought under subsection (a) involving the same issues or violations are pending in two or more judicial districts, such pending actions may, upon application of the Secretary to a court in which any such action is brought, be consolidated for trial by order (issued after giving all parties reasonable notice and opportunity to be heard) of such court and tried in—

"(1) any district which is selected by the Secretary and in which one of such actions is pending,

"(2) a district which is agreed upon by stipulation between all of the parties to such actions and in which one of such actions is pending, or

"(3) a district which is selected by the court and in which one of such actions is pending.

The court issuing such an order shall give prompt notification of the order to the other courts in which the civil actions consolidated under the order are pending."

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. Section 214(c) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 444(c)) is amended—

(1) in paragraph (1) by striking out "and" after "September 30, 1983," and by inserting ", not to exceed \$31,400,000 for the fiscal year ending September 30, 1985, and not to exceed \$32,500,000 for the fiscal year ending September 30, 1986" before the period;

(2) in paragraph (2) by striking out "and" after "September 30, 1983," and by inserting ", not to exceed \$2,900,000 for the fiscal year ending September 30, 1985, and not to exceed \$43,200,000 for the fiscal year ending September 30, 1986" before the period;

(3) in paragraph (3) by striking out "and" after "September 30, 1983," and by inserting "not to exceed \$21,000,000 for the fiscal year ending September 30, 1985, and not to exceed \$22,000,000 for the fiscal year ending September 30, 1986," after "September 30, 1984,"; and

(4) by adding at the end the following new paragraph:

"(4) For the purpose of rail planning for Toledo, Ohio, including planning for improving the safety of rail operations and reducing conflicts between rail and highway traffic, there are authorized to be appropriated not to exceed \$100,000 for the fiscal years ending September 30, 1985, and September 30, 1986. The total amount appropriated under this paragraph for both such fiscal years combined shall not exceed \$100,000."

EMPLOYEE ASSISTANCE PROGRAM EVALUATION

SEC. 8. (a) The Secretary of Transportation shall conduct an evaluation of any employee assistance program with respect to drug and alcohol abuse run by the Consolidated Rail Corporation and shall, after consultation with representatives of the crafts

or classes of employees covered by such program and with the Consolidated Rail Corporation, report to the Congress within 180 days after the date of enactment of this Act. Such report shall contain an evaluation of the effectiveness of such program in helping employees with drug and alcohol abuse problems, and shall include any recommendations of the Secretary for the improvement of such program.

(b) The report submitted to the Congress under subsection (a) shall be transmitted simultaneously to the Consolidated Rail Corporation.

ENFORCEMENT OF THE SECRETARY'S ACTIONS

SEC. 9. Section 208(a) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 437(a)) is amended by striking out "enforce such orders" and inserting in lieu thereof "enforce any orders, directives, and subpoenas of the Secretary under this Act".

ALCOHOL AND DRUG ABUSE ASSISTANCE

SEC. 10. (a) To foster the prevention of alcohol and drug abuse within the railroad industry, the Secretary of Transportation shall encourage the establishment of a private, nonprofit corporation, financially supported by individual railroad employees and railroad companies, to support and promote—

(1) vigilant peer intervention to avoid violations among railroad employees of rule G of the Association of American Railroads' Standard Code of Operating Rules;

(2) early identification and treatment of railroad employees addicted to alcohol or drugs;

(3) programs to foster awareness and prevention of alcohol or drug abuse within the railroad industry; and

(4) improved utilization of effective Employee Assistance Programs with respect to alcohol and drug abuse.

If such a corporation is established within 90 days after the date of enactment of this Act, the Secretary of Transportation may provide support, including office space, equipment, postage, printing, and the development of educational materials, of a value of not to exceed \$100,000.

(b) The requirement set forth in subsection (a) of this section shall not relieve the Secretary of any requirement set forth in section 2 of Act.

AMENDMENT OFFERED BY MR. FLORIO

Mr. FLORIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLORIO: At the end of the bill, insert the following new section:

RAIL SAFETY

SEC. 11. (a) Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by this Act, is further amended by adding at the end the following new subsections:

"(n) The Secretary shall, within 180 days after the date of enactment of the Railroad Safety Improvement Act of 1984, issue such rules, regulations, orders, and standards as may be necessary to insure safe rail passenger and other rail operations, giving special consideration to the need for—

"(1) improved inspection of track used for rail passenger and other rail service, and improved weather information in conjunction with such inspections; and

"(2) crashworthiness standards for rail passenger cars.

"(o)(1) The Secretary shall, within 180 days after the date of enactment of the

Railroad Safety Improvement Act of 1984, conduct and complete an inquiry into whether training standards are necessary for those involved in dispatching passenger and other trains.

"(2) Upon the completion of such inquiry, the Secretary shall report the results of such inquiry to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate along with the Secretary's recommendations, and if the Secretary recommends that rules, regulations, orders, or standards are necessary, the Secretary shall promptly initiate appropriate rulemaking proceedings."

(b)(1) The Secretary of Transportation shall require that all sections of the mainline of the Northeast Corridor between Boston, Massachusetts, and Washington, D.C. are equipped with automatic block signals with cab signaling before December 31, 1985, consistent with the document entitled Corridor Master Plan II, NECIP Restructured Program, dated January, 1982, prepared for the United States Department of Transportation, Federal Railroad Administration, Northeast Corridor Improvement Project, in cooperation with the Federal Railroad Administration and the National Railroad Passenger Corporation (Amtrak), by DeLeuw, Cather/Parsons, NECIP architect/engineer.

(2) The deadline established under paragraph (1) shall not apply to the extent that the owner or operator of such mainline tracks, or, where appropriate, the Secretary, is unable to meet such deadline solely for reasons beyond their control. If such owner or operator, or, where appropriate, the Secretary, fails or expects to fail to meet the deadline for such reasons, the owner or operator or Secretary shall notify the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of—

(A) the portions of the mainline that will not be properly equipped by the deadline;

(B) the reasons for such failure; and

(C) the anticipated completion date of the work.

(3) The Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.) is amended by adding at the end the following new section: "SEC. 215. UNSAFE FACILITIES.

"(a) The National Railroad Passenger Corporation (hereafter in this section referred to as 'Amtrak'), or the owner of any facility which presents a danger to the employees, passengers, or property of Amtrak, may petition the Secretary for assistance to the owner of such facility for relocation or other remedial measures to minimize or eliminate such danger under this section.

"(b) If the Secretary determines that—

"(1) a facility which is the subject of a petition under subsection (a) presents a danger of death or serious injury to any employee or passenger of Amtrak or serious damage to any property of Amtrak; and

"(2) the owner of such facility should not be expected to bear the cost of relocating or other remedial measures necessary to minimize or eliminate such danger,

the Secretary shall recommend to the Congress that the Congress, as a part of its periodic reauthorizations of this Act, authorize funding, by reimbursement or otherwise, for such relocation or other remedial measures.

"(c) Petitions may be submitted under subsection (a) of this section with respect to any relocation or remedial measures undertaken on or after January 1, 1978."

Mr. FLORIO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FLORIO. Mr. Chairman, the recent tragic Amtrak accidents have raised understandable concern about the safety of rail operations. The recent Amtrak accidents have varying causes. But we have learned some lessons already and it is imperative that we take advantage of what we have learned to prevent future accidents.

The amendment I am now offering would build on what we know about the recent accidents to ensure a safer rail system. To begin with, the amendment would require the Federal Railroad Administration [FRA] to conduct a rulemaking proceeding to examine the safety of rail operations. As part of this rulemaking, FRA would have to look at several specific areas.

First, FRA would have to consider the need for better track inspection procedures especially the need for better weather information. The recent derailment in Philadelphia resulted from the effect of heat on the track while the recent derailment in Vermont resulted from a washout due to rain. Better inspection procedures and particularly better weather data may have prevented these accidents. In addition, as part of this effort to improve track safety, the FRA may want to consider the need for bridge standards.

Second, the amendment requires FRA to examine the need for crashworthiness standards for rail passenger cars. Despite our best efforts, some accidents will occur. It is important to ensure that rail equipment can withstand accidents, so that passengers can survive the crash.

The amendment also requires FRA to conduct an inquiry to consider the need for training standards for those involved in dispatching trains. Concern has been raised that dispatchers and tower operators may have inadequate training.

The recent head-on collision in New York also revealed another problem. The accident occurred on a stretch of Amtrak track that had a less sophisticated signal system called manual block signals. Most of the rest of Amtrak's Northeast corridor mainline between Washington and Boston has a more sophisticated signal system, automatic block signals with cab signals. Such a system works automatically and has fail-safe features that would have prevented the recent head-on collision. The amendment would require the Secretary of Transportation to ensure that the entire Northeast

corridor mainline spine between Boston and Washington was equipped with this more sophisticated signal system by December 31, 1985. This schedule is consistent with and based on Amtrak's plans as part of the Northeast corridor improvement project. Thus the amendment would ensure that this necessary work is done.

This is an important amendment which will help prevent future rail accidents. I urge its adoption.

Finally, the amendment establishes a procedure to encourage the relocation of facilities which may create a hazard to Amtrak passengers, employees, or property. The procedure merely provides for the Secretary of Transportation to make recommendations to Congress on this issue.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. FLORIO. I yield to the gentleman from New York.

Mr. LENT. I thank the gentleman for yielding.

Mr. Chairman, I have gone over this amendment and I have been happy to work with the gentleman on it. It is essential that we learn from these various Amtrak accidents, so that similar situations do not reoccur.

The gentleman's amendment requires, as I understand it, the Secretary of Transportation to look at some of the causes of the most recent accidents and, if it is necessary, to then establish regulations in those areas. In this manner we can hopefully improve further the safety of our Nation's railroads.

It is a good amendment and I am pleased to support it.

Mr. FLORIO. I thank the gentleman.

Mr. GLICKMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to inquire about the amendment offered by the distinguished gentleman from New Jersey.

During hearings held last summer by the subcommittee I chair, the Science and Technology Subcommittee on Transportation, Aviation, and Materials, it was apparent that substantial improvements in rail safety could be achieved by the use of relatively simple modern technology. The most obvious example is the need for modern communication links between trains and the National Weather Service. There are indications that access to emergency weather alerts could possibly have prevented the Amtrak accident in Vermont last July 7, the accident near Connellsville, PA, on May 29, and the accident near Emerson, IA, on June 15, 1982. In every case emergency weather alerts had been issued, but the information never reached the engine crews. In the case of the accident in Vermont last July, there had

been a flash flood watch issued by the National Weather Service, but railroad personnel were not aware of the warning. In fact, the engine crew did not even have a working radio, so they could not have received a warning in any case.

As I understand it, the amendment would require the Federal Railroad Administration to conduct a rulemaking to insure safe rail operations. As part of the rulemaking, the FRA is to give special consideration to the need for weather related information in conjunction with improved track inspections. Is my understanding correct?

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding.

Mr. Chairman, the gentleman is correct.

Mr. GLICKMAN. As the gentleman knows, I was prepared to offer an amendment requiring that all locomotive cabs be equipped with effective radio devices which provide access for employees to National Weather Service radio frequency bands and two-way communication between the operating employees and off-train railroad operations personnel. One major purpose of this amendment was to ensure that operating personnel had access to the latest weather information and thus be able to act on that information.

However, it appears your amendment is directed to the same purpose.

Mr. FLORIO. The gentleman is correct. I know we share the same goal of preventing tragic, weather-related accidents such as the recent Amtrak derailment in Vermont.

Mr. GLICKMAN. I would ask the gentleman one question. I notice his amendment does not refer specifically to the issue of radios. Is it the gentleman's intent that FRA consider the need for radios in the context of the rulemaking required by his amendment?

Mr. FLORIO. Absolutely. The amendment requires the FRA to consider the need for better weather information. Certainly, the use of radios in locomotive cabs can help ensure access to such vital information. It is definitely the intent of this amendment that the FRA consider the need for radios in locomotive cabs in the context of the required rulemaking.

Mr. GLICKMAN. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. FLORIO].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KOSTMAYER

Mr. KOSTMAYER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KOSTMAYER: Page 3, line 5, add a new section, and renumber following sections accordingly.

"AMTRAK MAINTENANCE OF EQUIPMENT

"Sec. 5. Sec. 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is amended by adding at the end a new subsection as follows:

"(n) In order to ensure the safety of operations and the proper maintenance of track and switch points, the Bristol, Pa. Maintenance of Equipment shop and its support facility at Cornwells Heights, Pa. shall not be closed or moved for a period of six months after enactment of this subsection, and the Board of Directors of Amtrak shall submit to the Congress no later than March 1, 1985 a report on any plans to close or move this shop and its potential impact on the safety of operations and the maintenance of track in the Northeast Rail Corridor between New York and Baltimore."

Mr. KOSTMAYER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. KOSTMAYER. I yield to the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding.

Mr. Chairman, we have had an opportunity to review the gentleman's amendment. It is a good amendment. I would be happy to accept the amendment.

Mr. KOSTMAYER. Mr. Chairman, let me just say very briefly, and first of all thank the gentleman from New Jersey, the chairman of the subcommittee [Mr. FLORIO], and also the gentleman from New York [Mr. LENT] for permitting me to offer this amendment.

Very simply, this amendment would require the Board of Directors of Amtrak to submit a report to the Congress by March 1 of next year and in the interim not to move a maintenance-of-way facility located at Bristol, PA, prior to issuing that report to the Congress.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. KOSTMAYER. I yield to the gentleman from New York.

Mr. LENT. I thank the gentleman for yielding.

Mr. Chairman, I am going to very regretfully have to oppose this amendment. It is regrettable that the amendment is offered at the 11th hour. The minority, frankly, has had no opportunity to look at this amendment very carefully or to explore it, other than to make a telephone call to the Amtrak people.

We are advised that with respect to this particular facility in the gentleman's district, or nearby the gentle-

man's district, Amtrak is looking for alternative property for a site and that the alternative property that is under consideration is being offered at a reasonable price. Amtrak seems to be somewhat concerned with the fact that the gentleman's amendment would put this whole process on ice, so to speak, for what might be an inordinately long time, 6 months.

I was wondering if the gentleman would agree to perhaps shortening that period for study so then perhaps I could withdraw my objection.

Mr. KOSTMAYER. I appreciate the concerns of the gentleman from New York. I look forward to working with him but must offer the amendment at this time to save these jobs.

Mr. LENT. Well, may I inquire of the gentleman whether he is going to persist with the amendment as it is written with the 6-month delay period in it?

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Mr. KOSTMAYER. Well, if the gentleman from New York would indicate to me in what fashion he would like to see the amendment altered, I would be willing to attempt to accommodate him.

Mr. LENT. Well, my understanding is that the present site, I guess it is in Bristol, PA—

Mr. KOSTMAYER. That is correct.

Mr. LENT. Right now is inadequate for the purposes that Amtrak would like to use it because of its present location. Apparently, certain equipment that is used for track laying and track rehabilitation of the railroad has to be shipped an inordinately long distance into Bristol, PA. Moreover, Amtrak needs an indoor facility to perform this maintenance and, therefore, the facility at Bristol is inadequate.

I just wanted to voice those objections to the gentleman's amendment.

Mr. KOSTMAYER. This would be the very subject of the study which I am asking for, and all I am simply asking for is that this matter be studied. I am sure they would be seriously considered in the study which would take place and which we would receive back by March 1, 1985.

Mr. LENT. Well, I just wanted the record to note the objections of Amtrak to the 6-month delay that would be involved with the gentleman's amendment.

Mr. KOSTMAYER. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. KOSTMAYER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LUKEN

Mr. LUKEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LUKEN: At the end of the bill, insert the following new section:

RAIL SAFETY FUNDING AND IMPROVEMENT

SEC. 11. (a) The Congress finds that—

(1) the transactions described in the amendment made by subsection (b) will increase the availability of funds for rail safety purposes; and

(2) the transactions described in the amendment made by subsection (b) will result in significant improvements in rail safety nationwide, and more particularly in the Cincinnati area especially with respect to grade crossing safety.

(b) The Federal Railroad Safety Act of 1970 is amended by adding at the end the following new section:

"SEC. 215. RAIL SAFETY FUNDING AND IMPROVEMENT.

"(a)(1) In order to increase the availability of funds for rail safety purposes and to improve the safety of railroad operations, the Secretary, upon being notified by the Consolidated Rail Corporation (hereafter in this section referred to as the "Corporation") that the Corporation has entered into an agreement for the sale of the lands described in subsection (c), out of the proceeds of which sale the Corporation will transfer to the Secretary \$1,500,000 for disposition under this subsection, shall, within 5 days after such notice, request that the Administrator of General Services convey to the Corporation all right, title, and interest of the United States to such lands. The Administrator shall effect such conveyance within 30 days after such a request from the Secretary.

"(2) Upon receipt of the \$1,500,000 from the Corporation under paragraph (1), the Secretary shall deposit such funds in an escrow account.

"(3)(A) If, within one year after the establishment of the escrow account under paragraph (2), the Corporation enters into and executes an agreement under which the lands described in subsection (b) are conveyed to the Cincinnati-Hamilton County Port Authority and under which such Port Authority pays to the Secretary \$325,000, the Secretary shall, within 30 days after the execution of such agreement, transfer from the escrow account to the Corporation \$1,500,000, to be used by the Corporation for the improvement of rail safety, and shall deposit any accumulated interest thereon, plus the \$325,000 received from the Port Authority under this subparagraph, into a Rail Safety Fund, which shall be available, to the extent provided in advance in appropriations Acts, for rail safety purposes as authorized under section 214.

"(B) If, upon the expiration of one year after the establishment of the escrow account under paragraph (2), the corporation has not executed an agreement described in subparagraph (A), all funds in the escrow account shall be deposited in the Rail Safety Fund established under such subparagraph.

"(b) The lands referred to in subsection (a), to be conveyed to the Cincinnati-Hamilton County Port Authority, are located partly in section 4, township 3, fractional range 1 M.R.S. and partly in section 34, township 4, fractional range 1 M.R.S., in the city of Cincinnati, County of Hamilton, State of Ohio, more particularly described as follows:

"Beginning at the point where the south line of River Road intersects the projected east line of Lillenthal Street, thence east along the south line of River Road to the

point where the south line of River Road intersects a line that is 60 feet north of and parallel to the centerline of Consolidated Rail Corporation's main track, the real place of beginning, thence east along said line being 60 feet north of and parallel to the Centerline of said main track to the point where said line intersects the west line of Southside Avenue, thence north along the west line of Southside Avenue to the point where the west line of Southside Avenue intersects the south line of River Road, thence west along the south line of River Road to the real place of beginning; excepting therefrom lots 44 through 54 and 70 of Graham's Subdivision; containing a total of 65 acres, more or less. Said premises being located on United States Railway Association Line Code 8312 near Mile Post 4 and shown on I.C.C. Valuation Section 20, Maps 5 and SL5 and 6 and SL6 of the former Cleveland, Cincinnati, Chicago & St. Louis Railway Company.

"(c) The lands referred to in subsection (a), to be conveyed to the Consolidated Rail Corporation, are located in Washington, District of Columbia, more particularly described as follows:

"Commencing at the intersection of the east line of Half Street closed by Act of Congress and approved January 24, 1923, with the north line of Eye Street as now laid out and existing, said point being the southeast corner of the United States Government Coal Yard, and running thence along said east line of Half Street closed, north 274.67 feet to the point of beginning.

"Thence from said beginning point and continuing along said east line of Half Street closed north 80 feet, more or less, to a point, thence northwest 40 feet, more or less, to a point, thence north 195 feet, more or less, to a point in the south line of Southeast Freeway, thence east along said south line of Southeast Freeway 485 feet, more or less, to a point in the west line of New Jersey Avenue, thence south along said west line of New Jersey Avenue 260 feet, more or less, to a point, thence southwest 60 feet, more or less, to a point, said point being 12 feet, more or less, east measured radially and at right angles from the centerline of a spur track of Consolidated Rail Corporation, thence running parallel and concentric with said centerline of spur track and south 255 feet, more or less, to a point in the north line of Eye Street, thence running along said north line of Eye Street west and crossing the aforesaid spur track of Consolidated Rail Corporation, 77 feet, more or less, to a point, said point being the southeast corner of lands conveyed by Consolidated Rail Corporation to Jersey Associates, by deed dated June 26, 1981, thence along said lands the following three courses and distances: (1) North 138.50 feet to a point; (2) Thence North 57 degrees 27 minutes 43 seconds west, 253.17 feet to point; (3) Thence west 137.83 feet to the place of beginning.

"Containing 170,300 square feet, more or less, or 3.91 acres, more or less, of land."

(c) The Secretary of Transportation shall, within 2 years after the transfer of lands described in subsection (b) of the amendment made by subsection (b) of this section, submit a report to the Congress on the effect that such transfer of lands has had on the improvement of rail safety, and on the effect that the increased availability of funds resulting from the amendment made by subsection (b) of this section has had on the improvement of rail safety.

Mr. LUKEN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LUKEN. Mr. Chairman, this amendment will serve to expedite the sale of Conrail property in both Washington, DC, and Cincinnati, OH, that the Corporation has been unable to dispose of in the absence of this legislation making title to the District property clear.

Under the amendment, the Cincinnati-Hamilton County Port Authority will pay \$250,000 to the Secretary of Transportation for use in the Department's rail safety programs.

With the conveyance of the Cincinnati property to the port authority, there will be development of a currently abandoned rail yard; this should result in revitalization of the riverfront. This particular location is the last major site of its kind with both water and highway access. Development of the property, under plans of the authority, will be designed to maximize the number of jobs created. This is an important part of the community's efforts to reduce the unemployment that has plagued the Midwest during the recession. We are looking to create permanent jobs.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. LUKEN. I yield to the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, I have reviewed this amendment. It is acceptable, and I am prepared to accept it.

Mr. LUKEN. I thank the gentleman.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. LUKEN. I yield to the gentleman from New York.

Mr. LENT. Mr. Chairman, the minority has reviewed this amendment, and we thank the gentleman for his cooperation in renegotiating some of the numbers in the amendment. We have no objections to the amendment.

Mr. LUKEN. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. LUKEN].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YOUNG of Florida: At the end of the bill, add the following new section:

RESUMPTION OF SERVICE

SEC. 11. Section 404(f) of the Rail Passenger Service Act (45 U.S.C. 564(f)) is amended by adding at the end the following new sentence: "Within 30 days after the date of enactment of the Railroad Safety Improve-

ment Act of 1984, the National Railroad Passenger Corporation shall reinstitute rail passenger service between Tampa, Florida, and Saint Petersburg, Florida, as such service was in operation as of January 1, 1984."

Mr. YOUNG of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, this is the same amendment that Chairman FLORIO placed in the previous Amtrak authorization bill. I have checked with the gentleman and with the gentleman from New York [Mr. LENT], and I understand they have no objection.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from New Jersey.

Mr. FLORIO. This is the same amendment that was previously accepted by the House?

Mr. YOUNG of Florida. Yes, it is.

Mr. FLORIO. I have no problem with the amendment.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from New York.

Mr. LENT. I just wanted the gentleman to clarify for me that this is the exact same language as was incorporated in the Amtrak bill, H.R. 3648, which passed the House in March 1984?

Mr. YOUNG of Florida. That is correct. This amendment dealing with the safe, efficient rail service was adopted by this House with no opposition of any kind.

Mr. LENT. I thank the gentleman, and I have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. YOUNG].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GLICKMAN

Mr. GLICKMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GLICKMAN: At the end of the bill, add the following new section:

TRACK AND ROADBED STUDY

SEC. 11. The Secretary of Transportation shall study and report to the Congress, within 180 days after the date of enactment of this Act, a comparison of levels of investment by the railroad industry in track and roadbed maintenance and modernization and its impact on rail safety before and after the enactment of the Staggers Rail Act of 1980.

Mr. GLICKMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. GLICKMAN. Mr. Chairman, this amendment would just require the Secretary of Transportation to study and report to Congress a comparison of levels of investment by the railroad industry and track and roadbed maintenance and modernization and its impact on rail safety before and after the enactment of the Staggers Rail Act of 1980.

I think the Congress needs to know exactly what the investment of the railroads in track and equipment was before deregulation and afterwards, all to deal with the issues of rail safety.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from New Jersey.

Mr. FLORIO. The gentleman's amendment is very valuable, it will be a very valuable tool for the Congress, particularly next year as we look at the Staggers Act, and I commend the gentleman for his amendment and I support it.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from New York.

Mr. LENT. I thank the gentleman for yielding.

I am going to support the gentleman's amendment. I just wanted to clarify that this amendment simply requires the Secretary of Transportation to conduct a study comparing the levels of investment by the railroad industry in track and roadbed maintenance and modernization prior to and after deregulation and that this report must be completed in 180 days after enactment; is that correct?

Mr. GLICKMAN. The gentleman is correct.

Mr. LENT. I thank the gentleman. I think it is a good amendment. Now, thanks to the success of the Reagan economic recovery program, so many rail carriers are starting to get back on their feet financially. It is only appropriate that we discern if deregulation has enhanced rail safety through increased investment in track and roadbed.

I want to thank the gentleman for his amendment.

Mr. GLICKMAN. This gentleman is not going to make a qualitative judgment as to what the cause of the accidents are or the decline in accidents until the report comes in, but he appreciates the comments of the gentleman from New York.

Mr. LENT. The gentleman does recognize, does he not, that the rail industry has realized a resurgence of activity in the last 4 years since deregulation?

Mr. GLICKMAN. Clearly, derailments are down. We do not know for sure if they are down because of increased revenues. Some of that may be down because of abandonments. But I think it is useful to know how much the railroads are plowing into track and maintenance before and after Staggers, and a lot of this may help us decide what kind of legislation we want in the future on rail safety related issues.

So I appreciate the gentleman's comments.

Mr. LENT. I thank the gentleman.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to my colleague, the gentleman from Nebraska.

Mr. BEREUTER. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman for this amendment. It is quite obvious that people in many parts of the country, in my State, in my district, will be interested in the information generated by the study that the gentleman would require through this amendment. I thank him for his effort.

Mr. GLICKMAN. I appreciate the comments of my colleague from the north in Nebraska.

● Mr. RAHALL. Mr. Chairman, I rise in strong support of the Glickman amendment to H.R. 5585, the Railroad Safety Improvement Act.

This amendment will require the Department of Transportation to study the impact of the Staggers Rail Act of 1980 on investment in rail track and roadbed maintenance and modernization for the purpose of determining the safety implications of this investment or lack thereof.

In my congressional district we have had a number of close calls due to train derailments. For example, on April 3, 1983, a Norfolk & Western freight train derailed at Matewan, WV, which is in Mingo County.

According to a report filed by the National Transportation Safety Board, while moving on the main track in Matewan at a speed of only 35 m.p.h., the 5th and 6th locomotive units and 1st through 15th cars derailed. One damaged tank car contained the highly toxic and corrosive chemical acetic anhydride which leaked from the car.

Due to this chemical spill, 45 families were evacuated. As reported by a local newspaper:

Homes are bunched only 50 feet from the tracks. The narrow valley would hold poison fumes like a bowl. A tank car explosion between the mountainsides would be like a grenade in a barracks. If the chemical spill had been major instead of minor, the toll would have been far worse than eye burns for firefighters and the evacuation for 45 families.

But this was not the first train accident at this spot. Two Norfolk & Western trains derailed at the same

place in the last 2 years. Obviously, these derailments are being caused by bad track.

I would offer another example of unsafe track. It has been brought to my attention by the United Mine Workers of America that employees at a coal preparation plant in Logan County, WV, are concerned for their safety due to the condition of the tracks at the site. This unsafe condition, according to the union, involves high and low joints, rotten ties, missing spikes, missing bolts, and defective switches.

The mineworkers have informed me that there have been numerous derailments in Logan County due to poor track maintenance. At least one serious injury and one fatality have occurred due to a defective derail switch. I have urged the Federal Railroad Administration to investigate this matter and am waiting for that agency's report.

It is with these examples in mind that I find great merit in the Glickman amendment. We gave the railroads a great deal of freedom in the Staggers Rail Act with the hope that the level of service to shippers would be improved. It was also our desire that the Nation's railroads would see fit to invest in improving rail track. The findings of the study suggested by this amendment will be of great interest to all of us concerned with railroad safety. I urge the adoption of this amendment. ●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas [Mr. GLICKMAN].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BEREUTER

Mr. BEREUTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BEREUTER: At the end of the bill, insert the following new section:

EMPLOYEE PROTECTION

SEC. 11. Section 106(c) of the Rock Island Railroad Transition and Employee Assistance Act (45 U.S.C. 1005(c)) is amended by striking out "1984" and inserting in lieu thereof "1985".

Mr. BEREUTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Chairman, the amendment merely extends the deadline 1 year for the payment of benefits under the Rock Island Railroad Transition and Employment Assistance Act. The same language was included in H.R. 3648, the Amtrak Improvement Act of 1983. This additional extension of time will permit the Railroad Retirement Board to correct some of its

internal errors which denied benefits to a small but significant number of people across the United States and their surviving spouses. It is for that reason that this amendment is offered. It is necessary.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the distinguished gentleman from New York.

Mr. LENT. Mr. Chairman, I want to commend the gentleman for his leadership in offering this amendment. I rise in strong support of it.

This amendment adds a provision which is identical to one that had been inserted in H.R. 3648, the Amtrak Improvement Act of 1983, which, as was indicated during the earlier colloquy, passed the House in March 1984.

This amendment really seeks to right an injustice against a number of widows, particularly the widow of a Rock Island Railroad employee, who, because of an error on the part of the Railroad Retirement Board, was denied benefits she would otherwise have been entitled to but for the artificial deadline of April 1984. Is that correct?

Mr. BEREUTER. That is correct. One lady from Fairbury, NE, whose complete and fully eligible application was admittedly mishandled by the Railroad Retirement Board, will be particularly grateful to have that error corrected.

Mr. LENT. I thank the gentleman, and I endorse the amendment.

Mr. BEREUTER. I thank the gentleman for his support and assistance.

This might well be entitled "The Amendment for the Eleven Widows."

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the distinguished chairman, the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, I am pleased to support this very desirable amendment.

Mr. BEREUTER. I thank the chairman. I appreciate the assistance of the chairman of the subcommittee, and that of both the ranking minority members of the subcommittee and the full committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska [Mr. BEREUTER].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

□ 1630

Accordingly the Committee rose; and the Speaker pro tempore [Mr.

LUKEN] having assumed the chair, Mr. WEAVER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5585) to authorize appropriations for carrying out the Federal Railroad Safety Act of 1970, and for other purposes, pursuant to House Resolution 562, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5585

Mr. FLORIO. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 5585, the Clerk be authorized to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending that bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

GENERAL LEAVE

Mr. FLORIO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks, and include extraneous matter therein, on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BROYHILL asked and was given permission to address the House for 1 minute.)

Mr. BROYHILL. Mr. Speaker, I rise for the purpose of asking the acting majority leader the program for the remaining part of today, this week, and also for the next week.

I yield to the gentleman from Oregon [Mr. WEAVER] for his response.

Mr. WEAVER. This concludes the business for the day and for the week. The House will meet at noon on Monday and will take up 12 suspen-

sions. It will meet at noon on Tuesday and take up House Joint Resolution 648, the continuing appropriations for fiscal year 1985, subject to a rule being granted, and will take up eight suspensions. The recorded votes from suspensions debated on Tuesday and from District bills and suspensions debated the previous day will be held at that time.

On Wednesday, the House will meet at 10 and will take up H.R. 6067, the law enforcement officers protection. There will be a conference report on two bills, H.R. 1904 and S. 2603.

On Thursday, the House will not be in session. On Friday, the House will meet at 10 a.m. to take up H.R. 5492, the conservation and management of Atlantic striped bass, subject to a rule being granted.

Mr. BROYHILL. I assume that the list of bills that are under suspension are the same that I have on the list that was given to me and will be in the RECORD?

Mr. WEAVER. They will be, sir, and they are as follows:

H.R. 6224, St. Elizabeths Hospital.

SUSPENSIONS (12 BILLS)

H.R. 6221, provide for distribution of funds to Wyandotte Indians, Oklahoma;

H.R. 4932, reserve certain public lands within the Nellis Air Force Range as Air Force training area;

S. 1889, designate visitor center at Congaree National Swamp as the "Harry R.E. Hampton Visitor Center";

S. 416, designate parts of Illinois and Owyhee Rivers in Oregon as components of the Wild and Scenic Rivers System;

H.R. 2768, include Washington Square, Philadelphia, in the Independence National Historic Park Area;

H.R. 3601, Pike National Forest, CO, boundary modification;

H.R. 5787, oil and gas leases in Corpus Christi, TX, and Port Huamane, CA;

H.R. 2300, provide survivor annuity for former spouses;

H.R. 5646, cash awards for certain cost-saving disclosures;

H.R. 5513, designate Delta State Research Center as the Jamie Whitten Delta States Research Center;

H.R. 6228, to extend certain patents for diabetic drugs; and

H.R. 960, citizenship for Cpl. Wladyslaw Stanislawski.

TUESDAY, SEPTEMBER 25

H.R. 2568, extension of Educational Assistance Program;

H.R. 5361, extension of Prepaid Group Legal Program;

H.R. 6266, Foster Care and SSI Amendments of 1984;

H.R. 6112, unemployment compensation technical adjustment;

H.R. 3150, Sabine River Authority land exchange;

H.R. 6248, Armed Career Criminal Act;

H.R. 5790, Amusement Park Safety Act; and

H.R. 5538, Preventive Health Amendments of 1984.

Mr. BROYHILL. The second question I have, with respect to the scheduling of the debate in the consideration of the continuing appropriation resolution, House Joint Resolution 648.

Is that debate to take place the first order of business on Tuesday, or is that to take place after the consideration of the eight suspensions?

Mr. WEAVER. It will be the first order of business on Tuesday. I will make the point that the House will adjourn on Wednesday afternoon for Rosh Hashanah and will convene the following Friday.

Mr. BROYHILL. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I appreciate the gentleman yielding to me.

Mr. Speaker, it was my understanding that there was a possibility that we might adjourn, be adjourning early on Wednesday because of the nature of the holiday. Is that the fact?

Mr. BROYHILL. I yield to the gentleman from Oregon.

Mr. WEAVER. I am delighted to tell the gentleman that that is the case. The House will adjourn at 3 o'clock on Wednesday.

Mr. BROYHILL. Mr. Speaker, I thank the gentleman and I yield back the balance of my time.

REQUEST TO DISPENSE WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WEAVER. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

Mr. WALKER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

ADJOURNMENT TO MONDAY, SEPTEMBER 24, 1984

Mr. WEAVER. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon at Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

PERMISSION TO HAVE UNTIL MIDNIGHT FRIDAY, SEPTEMBER 21, 1984, TO FILE CONFERENCE REPORT ON S. 1841, NATIONAL PRODUCTIVITY AND INNOVATION ACT OF 1984

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that the managers may have until midnight Friday, September 21, 1984, to file a conference report on the Senate bill (S. 1841) to promote research and development, encourage innovation, stimulate trade, and make necessary and appropriate amendments to the antitrust, patent, and copyright laws.

This is the joint research and development bill, Mr. Speaker, and the minority has been consulted and has given its permission.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

UNFULFILLED PROMISES OF SUPPLY-SIDE ECONOMICS, NO. 3—WHEN DEBT EXPLODES

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, when Ronald Reagan became President he blamed Congress and his predecessors for the nearly \$1 trillion in public debt they had accumulated. "This trillion dollar figure," he said, "can stand as a monument to the policies of the past—policies, which as of today, are reversed."

Later this month Ronald Reagan is going to ask this Congress to raise the limit on the amount he can borrow to finance the astronomical deficits required to finance his programs.

That, debt limit will be the highest in the history of this country.

In fact, by the end of this present term, Ronald Reagan will have doubled the national debt. Stated differently, the deficits accumulated under Ronald Reagan's leadership will actually exceed all the deficits of all the Presidents from George Washington to Jimmy Carter.

Mr. Speaker, today I submit for the RECORD, the third in a series of eight articles entitled "Unfilled Promises of Supply Side Economics" written by Leland DuVall of the Arkansas Gazette. Today's article is entitled: "When Debt Explodes." It is a frightening commentary on the impact of the massive Reagan deficits, particularly in terms of their long-range implications for the world economy and the economic future in which our children will live.

[From the Arkansas Gazette, Sept. 11, 1984]

WHEN DEBT EXPLODES

(By Leland DuVall)

Several months into his term, President Reagan had the dubious honor of signing a bill that lifted the nation's debt ceiling to \$1,079,800,000,000. That 13-digit number required to express the public obligation dramatized the need for the kind of fiscal responsibility Mr. Reagan had been preaching since 1954 when his agent sold his services to General Electric for a reported salary of \$125,000.

For the benefit of those who may not remember, the GE assignment required Mr. Reagan to assume the role of a corporate homiletic who denounced the evils of big government and praised the virtues of big business. Since, in an earlier incarnation, Mr. Reagan had been known as a "liberal" and had even supported the policies of the New Deal, there are those who believe he saw converted by the eloquence of his message and the power of his own preaching.

The signing ceremony when the debt ceiling was raised provided an opportunity to strike a blow for what he called his "New Beginning."

"The trillion-dollar debt figure," Mr. Reagan said, "can stand as a monument to the policies of the past that brought it about—policies which, as of today, are reversed."

He used the occasion to criticize past administrations that "have failed to come close" to their budget targets.

"Those times are over," he said.

When someone mentioned that interest rates were high, Mr. Reagan took the cue and explained the reason.

"We will bring down interest rates," he said, "when we bring down inflation and when we get government out of the financial markets and end excessive public borrowing."

The Federal Reserve was not to blame for the high cost of borrowing.

"Interest rates," he said, "reflect the simple truth of the marketplace where the government competes with private borrowers to finance its trillion-dollar debt. The government is taking too great a percentage of the money that is available."

According to Mr. Reagan's analysis, which happens to be correct, one consequence of heavy government borrowing is higher interest rates.

Our monetary system obligates the "independent" Federal Reserve to exercise some undetermined amount of influence over the supply of lendable funds. In recent years, a deep concern over the threat of inflation has been a major factor in the equation by which the Federal Open Market Committee, the policy-making arm of the central bank, calculates the rate it will allow the money supply to grow. The expansion, at a given time, established the total amount of credit that will become available through the supervised lending institutions.

Mr. Reagan was making the point that when the government came in for a large share of the lendable funds, the private borrowers had to scramble for the remainder. The process exerts upward pressure on interest rates.

His analysis hinted (also correctly) at the influence inflation was having on interest rates. Back in 1981, the "Theory of True Interest Rates" was popular with lenders. They argued that the anticipation of inflation was an essential factor in determining the cost of credit. The people who made loans simply had to take into account the

declining value of the dollar. Therefore, nominal interest was the "true" rate, traditionally about 3 per cent, plus the anticipated rate of inflation.

Interest rates would come down, Mr. Reagan said, when inflation was brought under control and when the government took smaller portions of lendable funds.

The Consumer Price Index has been rising at a more moderate rate for the last couple of years, but "true" interest rates are at a near-record level. Part of the explanation has to be the fact that the government is coming into the market each year for amounts ranging up to almost \$200 billion.

Mr. Reagan has not delivered on his promise to reverse the policies that expanded the public debt. In fact, a single year (fiscal 1983) produced a deficit that exceeded the total of all deficits accumulated in the four years of the Carter administration.

The credit market has not yet felt the full impact of the Reagan deficits. Demand from the private sector was modest while the economy wallowed through the longest and one of the deepest recessions of the post-war period, meaning the government had much of the field to itself. Now the recovery that began early in 1983 is changing the picture.

Consumers borrowed moderately at first, but in recent months their segment of the credit supply has been setting records.

Business loans at the large commercial banks remained low and stable through the recession and almost a year into the recovery. They rose modestly during the winter—from about \$215 billion in October to about \$220 billion at the end of January—then shot up to \$245 billion.

With all three of the principal borrowers—government, business, and consumers—going into the market to finance the recovery, the cost of borrowing has been inching upward, despite Mr. Reagan's complaint about behavior in the marketplace. Now he's changed his explanation: the people "out there" simply refuse to believe he has brought inflation under control.

But he was right the first time. The string of large budget deficits, now projected to continue through the remainder of the decade, has the effect of providing a "price support" for interest rates. By indirection, this contributes to the rising cost of carrying the debt.

The total public debt, as of August 17, was \$1.57 trillion, or an increase of \$400 billion over the limit authorized when Mr. Reagan signed his first bill to raise the ceiling. All of this growth was posted after Mr. Reagan promised that policies contributing to the trillion-dollar debt "as of today, are reversed."

Interest on the public debt, through the first nine months of this fiscal year, was \$117 billion. The high cost of borrowing—maintained, in part, by a strong demand from the public sector—and the need to go to the market for huge amounts make the cost of carrying the debt one of the fastest-growing items in the federal budget. Economists are free to speculate on when—1985 or 1987—the cost of servicing our public debt will match a \$200 billion deficit.

Those who claim a government "should be run like a business" are certain to be disturbed over the prospect of having to borrow in order to pay interest on the debt. In the private sector, that road would lead to bankruptcy.

One unanticipated consequence of the exploding debt can be found in the world currency exchange. The dollar, boosted by the

high interest rates needed to move new securities, has emerged as the favored investment instrument of the industrial world.

Now, a "strong dollar" can be a mixed blessing. It generates a measure of pride among patriots, who feel justified in waving the flag and proclaiming the virtues of a free-enterprise economy. Investors in Europe and the petroleum exporting countries, attracted by favorable interest rates, park their money in government securities and, in the process, help underwrite the growing debt. The role of the dollar as the world's reserve currency is unchallenged.

The exchange rate also influences the movement of goods in the world market. A dollar that buys 250 yen or 2.9 marks invites the Japanese and West Germans to flood the United States with their goods.

A 15 per cent swing in the relative value of the dollar and the yen—and the change since 1980 has been considerably greater than that—translates into a \$900 "advantage" in the price of an "average" Japanese automobile delivered in this country. The difference is in the currency exchange, rather than in the "cost" of producing the car.

More often than not, the rise in imports is explained by the statement that Japanese workers are more efficient than Americans; therefore, the manufacturers can sell their cars cheaper. A more detailed explanation can be found only if we look at the interest rate structure that has made the dollar a desirable investment vehicle.

Finally, the most complex—and, potentially, the most dangerous—aspect of the high interest rate structure could be the destabilizing influence on the international debt.

Developing countries, the so-called Third World, are struggling under a debt sometimes estimated in the range of \$800 billion. Some of the borrowers, particularly in Latin America, have experienced difficulty in making interest payments and, in the process, keeping their notes from going delinquent.

Banks in the United States and around the world are heavy lenders. Something could be said about the wisdom of making the loans in the first place, a question that could be debated interminably. But it's unarguable that high interest rates in the U.S. increase the likelihood of default because the rates offered the third world countries are often tied to indicators like the U.S. prime rate or the London Interbank Offered Rate.

Economists and bankers can only speculate what might happen if the debtor nations refused to repay their loans.

Mr. Reagan's intentions were honorable when he dedicated the trillion-dollar debt ceiling to "the policies of the past that brought it about." His promise to reverse the policies "as of today" cannot be dismissed as campaign rhetoric, since it was made in the first year of his term.

What he did was to invite a budget disaster with, among other things, a misguided tax policy that virtually guaranteed an explosion of the national debt.

ELECTION OF WALTER MONDALE WOULD GUARANTEE IMMINENT ECONOMIC DISASTER

(Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.)

Mr. DREIER of California. Mr. Speaker, when Walter Mondale released his budget plan last week, he confirmed what the American people have been led to believe all along. As President, he will return this country to the disastrous economic policies of the previous administration. Mr. Mondale is asking America to throw away the economic progress we have made in the past 3½ years, and return to an era of high inflation, high interest rates, and high unemployment.

Mr. Mondale's plan for increased taxes will take us no closer to our goal of a reduced Federal deficit. His figures are based on unrealistic assumptions which have already been proven faulty. His budget calls for \$85 billion in new taxes which amounts to almost \$1,000 per household. Of course, this figure will be greatly inflated once he succeeds in eliminating tax indexing, due to go into effect in January 1985. Tax indexing is an essential ingredient in our efforts to maintain a higher standard of living for all American workers. But it only gives nightmares to the big spenders in Washington.

Eventually, the overall tax burden will be carried on the backs of middle-income Americans. Although Mr. Mondale denies this, the facts are clear. According to the Congressional Budget Office, only about 15 percent of all income is taxed at rates above the \$35,000 level. Additionally, corporations and wealthy Americans, at whom the tax increases are targeted, will simply lower their taxable incomes by hiding their money in tax-sheltered devices. In turn, tax revenues, investment capital, and industrial productivity will decline while lower- and middle-income Americans will be forced to pick up the tab through higher inflation, higher unemployment, and higher interest rates.

But how much of the Federal deficit can actually be reduced under the Mondale plan? According to Mr. Mondale, every cent that is raised in new taxes will be placed in a trust fund solely for the purpose of deficit reduction. However, in the same breath, he proposes \$30 billion worth of new programs. That leaves a deficit reduction of \$57 billion. He then claims a \$17 billion savings from higher economic growth. This is highly unrealistic. The economy is currently expanding at a record pace, thanks to the 1981 tax cuts. Mondale's proposed tax increases would inevitably bring the economic recovery to a screeching halt because a tax increase only absorbs capital from private credit markets that is needed for continued industrial expansion and individual borrowing, which are necessary to maintain economic growth. As a result, the demand for limited resources will cause interest rates and inflation to rise, while suffocating the economic recovery. That now leaves

\$40 billion in supposed deficit reduction.

Mr. Mondale also claims an additional savings of \$51 billion from lower interest rate payments on the national debt. But how much can actually be saved by a policy which initially brought about 21.5 percent interest rates? To tidy up the figures a bit, he proposes savings of: \$12 billion from reductions in Government health care costs through a cost-containment program—imposing much stricter Government regulations, on the health care industry; \$4 billion through cuts in farm price supports made necessary through an improved farm economy—this would entail a doubling of commodity exports, which in turn, would engulf an already flooded world agriculture market, sending prices plummeting; \$5 billion through better Government management—he can't even manage his own campaign; and \$8 billion through cuts in discretionary spending—assuming Congress would be willing to part with such a powerful political tool.

When you add Mondale's false savings to the \$176 billion needed for him to keep his hidden campaign promises, over \$200 billion a year in new taxes will be required to meet his goal of a two-thirds reduction in the Federal deficit. This equals a tax hike of at least \$1,890 per household. It is shocking that Mr. Mondale continually fails to recognize the need to reduce Government spending. It is the only way to get a handle on the enormous Federal deficit. However, this would require fiscal discipline on the part of Congress, which is under increasingly intense pressure to take positive action. The election of Walter Mondale as President would only take Congress off the hook, and guarantee an imminent economic disaster.

□ 1640

CURRENT POLITICAL PHILOSOPHIES ERRORS TO RESULT IN POLITICAL AND ECONOMIC CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. PAUL] is recognized for 60 minutes.

Mr. PAUL. Mr. Speaker, I have a deep concern for the direction in which our country is going. I have expressed this concern by pointing out the political and economic contradictions that surround us and have suggested that these contradictions merely are manifestations of philosophical errors made by our intellectual leaders.

Although the country currently is more or less in a euphoric mood, I am convinced the errors we are making

today will eventually result in a severe political and economic crisis.

I don't believe anyone precisely knows the future, yet we all make projections as to our expectations. It's impossible to know exact events and their timing but trends are known to us and certain policies do have specific consequences. Economically definable laws do exist and cannot be repealed. For what it's worth, I would like to make a few comments about what we can expect if our current beliefs about Government's role are not changed. The odds of a significant change in attitude occurring in Washington in the near future are utterly remote. Repealing the welfare-warfare state may be popular with a growing number of frustrated American citizens, but that attitude is not yet reflected in Washington. The constituency for the monolithic state is alive and well in the U.S. Congress. When disagreement exists in areas such as welfare versus warfare; the poor versus the rich, labor versus business, compromise is always reached and both sides receive an increase in funding. This is a policy of utter folly and is tragically locked in place.

Government is literally out of control. Spending, taxes, regulations, monetary inflation, invasion of our privacy, welfareism to both the rich and the poor, military spending, and foreign adventurism around the world will one day precipitate a crisis that will truly test our will to live in a free society. If Government were not so much out of control, would not the most conservative President of the last 50 years been able to do something about the runaway deficits? The deficits have tragically only gotten very much worse under Reagan. All the problems we face, high interest rates, inflation, deficits, vicious business cycles with accelerating unemployment are serious problems indeed, but the real threat under the conditions to come will be the potential loss of our personal liberty. Without liberty, prosperity is lost and equality of poverty prevails.

We have a cancer in the land—the malignant growth of big government—and we can ignore it, treating only the symptoms, hoping they are not reliable signs that a horrible disease has struck our Nation. But if we do, we are treating our problems as some foolishly deny the early signs of cancer, by taking aspirin and hoping the pain to be only that of inconvenience and that the symptoms will go away in the morning. Instead, the pain gets worse requiring more and more narcotics to numb the pain. Magic cures are sought and tried. Although big government is the disease, attempts to solve all the problems by making government even bigger and more intrusive in our lives are continually tried. This will soon end. We cannot forever ignore the root

causes. It's highly unlikely that we'll reach the 1990's without a convulsion of our economic and political system.

Although nothing goes up or down in a straight line, we can be sure the long term will bring us ever-increasing interest rates—higher with each cycle and over 20 percent before this cycle completes itself in 1986 or 1987. Without the introduction of a commodity money, one with quality—as well as limitation on its quantity—we will never see the return of long-term fixed low interest rates. The reform will come eventually, if we're to continue to have even a relatively free society. I just hope we don't wait too long.

Price inflation, although difficult to predict on a month-to-month or even year-to-year basis, will reach unbelievable heights in this decade. Currency destruction, through the insatiable desire to create massive new fiat monetary units, must eventually bring higher prices. Wage and price controls will return regardless of whether a Republican or a Democrat occupies the White House. Free market rhetoric will do nothing to protect us from the pressure the administration will receive to "do something," even if it's the wrong thing. Nixonian Keynesianism will continue to dominate, and abusive people control in the form of wage, price currency and credit controls will return; more vicious than ever before.

There will come a day that the world financiers will rush from dollars just as they have recently rushed into dollars, causing even worse chaos in the international financial markets. Without a stable monetary unit, the speculation will continue and worsen. Overreaction is now becoming more commonplace, but this is a predictable consequence of a world gone mad with fiat currencies, debt creation, and overspending.

Massive debt liquidation will come. The early stages have already started. It will occur with old-fashioned defaults, threats of deflation, and further currency destruction through monetary inflation and liquidation of debt with a depreciating dollar. Whether or not the liquidating debt collapse will be dominated by deflation or inflation of the money supply is yet to be determined since that will depend on Government actions and many market forces. An inflationary collapse is a more likely scenario—knowing the special interest, the Congress, the administration, and the central bankers' unwillingness to face up to the reality of cutting spending, balancing the budget, and curtailing the supply of money. So in spite of all the tough talk, we can expect the Fed to accommodate and reverse any trend toward deflation.

Without a significant change in attitude by the American people and Congress as to the purpose of government,

the choices are horrible; an inflationary collapse or a deflationary one. The form and timing of the collapse is yet to be determined; the event itself is certain. This crisis will come, as others have, because we refuse to face up to reality and live within our means.

The people's insatiable appetite for the goods of life without providing a commensurate amount of work and effort needed to produce them (while demanding that politicians deliver the loot) guarantees the process will continue. But a penalty will have to be paid. That penalty—a major banking, currency, economic, and political crisis—will hit this Nation and the western world, most likely before the 1990's.

The economic hardship, of which we had a taste in 1981 and 1982, will be much worse. That in itself is bad enough news, but historically, when a Nation debauches its currency international trade breaks down—today 40 percent of international trade is carried out through barter—protectionist sentiments rise—as they have in Congress already—eliciting hostile feelings with our friends. Free trade alliances break down, breeding strong feelings of nationalism, economic isolationism, and militarism—all conditions that traditionally lead to war; a likely scenario for the 1990's, unless or economic policies and attitudes regarding government are quickly changed.

Many who concede we are moving in this direction of war, carelessly believe that the lack of military spending is the problem and insist on new massive military spending as the solution. This only serves the inflationists, the internationalists, the banking elite, and industrialists who benefit from the massive manufacture of military weapons. It ignores the important fact that most military conflicts throughout history have been the consequence of economic events. Economic events, when combined with a foreign policy void of wisdom and fraught with folly, sets the stage for needless war.

Conservatives are quick to correctly point out that guns don't cause crime, criminals do, but fail to see that weapons, or the lack of massive weapons, don't cause war, politicians' bad policies do. This is a good reason why the current conservative administration should have stopped subsidizing trade and foreign assistance to the Soviet bloc nations and to Red China, which includes nuclear and military technology, instead of increasing it. This is sheer madness.

Massive military spending to stop the spread of communism which our own taxpayers are also required to finance, contributes to the economic problem of deficits, inflation, and high interest rates. In addition it justifies, in the political world of compromise, increased domestic spending, higher

deficits, accelerating inflation and higher interest rates—all compounding the economic problems that started the trouble in the first place.

Depression and war are the needless consequences of politicians' folly. They are prevented by limiting government power, not by expanding it. Today, campaign rhetoric is frequently heard about balanced budgets and reducing the size of the Government; witness the success of conservatives in 1980; yet nothing ever happens. The spending, the regulations, the taxing, and the deficits continue. Time is running short, the frustration running high. Hiding from reality won't help; kidding ourselves won't do. The sooner we admit, "you can't get blood from a turnip," the better off we'll be.

SOLUTION

What is the solution?

Most importantly, a new attitude about the role of government is necessary if we expect to solve our problems. As long as we, as a nation, accept the notion that government is the ultimate provider and world policeman, implementing the elusive concept of liberty will be impossible. The degree to which governments are permitted to exert force over the people determines the extent to which individuals retain their liberty as well as the chances for peace and prosperity. Historically, governments have always initiated force against the people with disastrous results. America is the best example of what can happen if that force is restrained, thus maximizing individual freedom and prosperity. Yet today, that wonderful experiment is all but abandoned. We must once again clearly reject the idea that government force and threat of force can be carelessly administered.

Voluntary contracts must be permitted. The trend toward government dominance, interference, and altering of voluntary contracts is prevalent and a most dangerous sign. Responsibility to care for one's self is necessary for a free society to function, and trust that individuals will look out for their own self-interest, even if imperfectly, is required and should be achieved through contractual arrangements. Government interference in voluntary agreements between two parties must be strictly prohibited. Enforcement of those contracts in event of a violation, invites the government's participation in settlement of the dispute. This limited involvement of government in voluntary contracts is necessary in a free society.

The strict limitation of government power imposed by the Constitution must be respected. We must accept the principle that government's function is not to regulate and plan the economy, protect us from ourselves, arbitrarily attempt to make us better people, or police the world by interfering in the internal affairs of other na-

tions. Its proper function in a free society is to protect liberty and provide for a common defense. When that proper role is assumed, our problems will vanish.

To bring about real changes, we first need to recognize that the politician, per se, is a lot less important than it appears. He is basically a puppet of public opinion that reflects the prevailing ideas of the intellectual and thought leaders. John Maynard Keynes, in one of his more lucid moments, said: "Practical men who believe themselves to be quite exempt from any intellectual influence, are usually the slaves of some defunct economist. Madmen in authority, who hear voices in the air, are distilling their frenzy from some academic scribbler of a few years back."

Media opinion is critical in establishing popular views just as that same media may support or destroy certain political careers. Having accepted the philosophy of economic interventionism and political pragmatism, our society grants political knighthood to the highly paid lobbyists who represent the powerful special interests. But we must remember the lobbyists are the result, not the cause, of our problems. The politician is the puppet of the opinionmakers.

Political success is the single goal that drives participants in our political system. No invitations to participants are sent to men of principle, upholders of equal rights, and defenders of the Constitution. Determined political aspirations under today's circumstances are key to achieving a successful political career—the career being an end in itself. We must be aware that this system of politics is not conducive to bringing about changes necessary to solve our problems. The legislative and political intrigues that control the system for the benefit of the special interests must one day come to an end if personal liberty is to be restored.

The resort to power to control people and the economy must be rejected. Also violence, to bring changes beneficial to liberty, serves no purpose (unless exerted in true defense under reprehensible conditions). The illicit use of power, even with noble intentions, has created history's dung heap of human misery. True change will come through persuasive intellectual influence. If the people refuse to listen, mere recording of significant movements in history will be the limited result of the effort. Yet, not making the effort to persuade the thought leaders to accept freedom and total nonviolence of the state, guarantees that the perpetuation of organized force—the tyranny of the state—will flourish and the suffering will continue for all of us.

Ideas do count; all government action is a result of ideas. It's incorrect to suggest that freedom ideas must be

rejected because they are idealistic—the planned economy is also a result of an idea. It's only a choice between good and bad ideas. The job of the true believer in liberty is to convince the majority of our leaders that freedom ideas are superior to the ideas of government coercion. Never can we relax by hoping that the good intentions of the big government proponents will protect us from the evils of government power that intimidate us all. All politicians, from total statist—Marxists and Fascists—to average conservatives and liberals of today's Congress, devoutly promise that all their actions are based on good intentions. But it doesn't matter: Bad ideas regarding the nature and role of government breed bad results and suffering occurs nevertheless. Twisted logic, Machiavellian justifications, excuse making, and shortrun benefits can never justify the removal of one iota of liberty from any one person if we intend to live in a free society.

Once the role of government is agreed upon, and government initiation of force is rejected as a legitimate function, the consequences will quickly occur—all positive.

Individuals will reclaim their moral and natural right to their lives and liberty as granted to them by the Creator. The state will be put in its proper place as the protector of equal rights, not the usurper. That in itself should be enough reason to institute a system of limited government, but the benefits go far beyond the moral justification of true liberty. Prosperity will abound and the chance for war will be greatly reduced.

If this is done, the welfare-warfare state is repealed and spending by the Federal Government reduced by 80 percent. Special interest politicians will not be served and will vanish. Lobbyists will become mere petitioners for liberty. The budget will be immediately balanced and the debt repaid. No more wealth will be transferred to the poor, the rich, the foreigner, the bankers, or the arms manufacturers. Military spending will once again be used for defense and not for the domination of an unofficial American empire.

Money will be honest, the unit precisely defined, and its integrity guaranteed by government or by voluntary contracts. Counterfeiting privileges of the Fed will be abolished and relegated to notorious underground figures. Honest money will allow credit to be freely created in the market and not by the privileged banking cartel, yet controlled by the integrity of the market and the convertibility of the dollar. The economic benefits of low-long-term fixed interest rates will be welcomed by all, since credit can then fuel true long-term economic growth.

This scenario sounds utopian, yet it's more practical than the ill effects of

the planned society financed by fiat money and debt creation. It's difficult to understand the persistence in following the impractical ideas of runaway government coercion.

The philosophy of the free market, sound money, private property ownership and equal rights, offers the only real "compromise" to the impasse existing in Washington where only token attempts are made to cut the deficit. A truly practical approach to this dilemma can be immediately implemented. I suggest six points:

First, instead of debating forever over whether or not the cuts should be made in domestic welfare or military spending, the answer is simple: Cut both, and quit arguing—that is, if anyone is serious about his declared hostility toward massive deficits.

Second, all votes on spending should be tradeoffs. Welfare to the poor versus welfare to the rich; domestic aid versus foreign aid; aid to friends versus aid to Communists; water projects in the United States versus water projects in Africa; subsidized loans for steel plants in the United States versus those in South America. Sure, many projects will still exist inconsistent with a truly free market but these projects would only be financed by dropping expenditures elsewhere.

Third, centralized planning fails everywhere else so we can expect it to fail with centralized control over bank credit. Sound money, and breaking up the credit/bank cartel, will solve the problem of high interest rates and long-term financing.

Fourth, talks with the Soviets need not stop—only be redirected. But all subsidies to all Communists must end. We can discuss ways to enhance free trade and voluntary cultural exchanges. True friendly unsubsidized relations with even the apparent enemy go a long way toward reducing the chances of war. A nonaggressive purely defensive foreign policy which would prompt troop and missile withdrawals from Europe and elsewhere would be actions much stronger than all the political rhetoric heard surrounding disarmament conferences.

Fifth, equal rights must be guaranteed and enforced regardless of circumstances of race, color, or creed. Equal rights cannot, however, be defined vaguely to include demands on another's life or property. The goal of freedom must surpass our obsession with material wealth and its forced redistribution.

Sixth, prosperity with freedom for the individual is the only humanitarian system ever offered that prevented mass starvation and suffering. Refusal to accept the free market based on a natural rights philosophy is the most impractical thing we can do. A system that provides sound money, low interest rates, the removal of the bankers'

monopoly over credit, and peace and prosperity will restore trust in the politicians, the money, the future, and in ourselves.

More government cannot possibly offer the solution to the problems we face. Big government is the cause; freedom is the answer.

TAX REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii [Mr. HEFTTEL] is recognized for 60 minutes.

Mr. HEFTTEL of Hawaii. Mr. Speaker, this evening there is an opportunity for at least five of our Members to speak to the people on C-SPAN in a way that lets the public know that there are those of us who do not think of our service in Congress as partisan Democrats or as Republicans, but rather as Members of Congress endeavoring to solve problems with practical solutions as concerned Americans. One of the issues that I would like to start the dialog with today is the concept of tax reform. It has been suggested that all our tax structure is unfair, that it discriminates between classes of people and that all we have to do to achieve a balanced budget is reform our tax system.

The truth of the matter is that almost everyone has figured out how to participate in the so-called exclusions, exemptions, and loopholes that exist in the Tax Code. It is not just the so-called wealthy.

As an example, all the fringe benefits which accrue to some 50 or 60 percent of our people are judged to be loopholes by those who talk about tax reform. Therefore, the moment that we institute a tax reform program, those who now have fringe benefits will find that they are treated as cash income and therefore will be taxed.

I bring this out because we must all face the fact that the deficit will not be eliminated by tax reform. If ever we are going to resolve the problem of Federal deficits, we will only do it when we cut expenses and increase revenues.

□ 1710

And increased revenues means increased taxes.

One of the things we wanted to accomplish tonight as a first step in demonstrating to you, the people, that there are those of us who are working together as Members of the Congress for the benefit of the Nation, not as partisan Democrats or Republicans.

Now, I would like to yield the floor to my colleague from Cincinnati, Mr. BILL GRADISON, who is a member of the Ways and Means Committee.

Mr. GRADISON. I thank the gentleman for yielding and I commend him for putting together this important series of special orders on what I con-

sider the most pressing problems facing our country.

I am especially grateful for the bipartisan manner in which these important discussions have been set up. We have only to look at recent history to glean the importance and absolute necessity of bipartisanship.

This year Congress passed and the President signed into law the Deficit Reduction Act. In my judgment this legislation did not go far enough but it did defy the conventional wisdom which only a few months before held that Congress and the White House were incapable of a major assault on the deficit in an election year. Fortunately the conventional wisdom was wrong.

In testimony last week before the Joint Economic Committee, Congressional Budget Office Director Penner said that the Deficit Reduction Act of 1984 "has nearly stabilized the deficit for the next several years at 5 percent of gross national product." Without the Deficit Reduction Act the deficit would have continued on its relentless path of taking increasingly larger chunks out of the national product.

The Deficit Reduction Act is a significant first step in what will prove a long, difficult road to a balanced budget. But while it is significant, it is still only a first step. We must not gloat over our accomplishment. Deficits that are 5 percent of gross national product are much too high.

Without significant reductions in spending or increases in revenues, as the gentleman from Hawaii has indicated, next year's total deficit will continue to be extremely high, probably greater than \$190 billion, including off budget and on budget items. The possibility of such huge deficits has created an uproar nationwide, as well it should. Fifteen straight years of deficit spending have been disastrous for our economy, and the prospect of continued high deficits can only bode ill for future economic conditions.

When the Government runs a deficit it is forced to borrow money by selling securities. Depending on who buys those securities, deficit spending results in higher inflation, higher interest rates, or some combination of both.

If Government securities are sold to private investors they compete directly with the securities sold by private businesses that are trying to raise capital for investment. This competition in the capital markets drives up interest rates.

If the securities are sold to the Federal Reserve the debt is monetized; in effect the Fed prints money to pay for the deficit. Financing the deficit in this way ameliorates an increase in short-term interest rates but tends to cause higher long-term rates and lead to higher inflation.

In the past few years the Fed has tried to control inflation first by slowing and then stabilizing the growth of the money supply and has generally avoided monetizing the debt. As a result, inflation has dropped.

At the same time, however, interest rates have risen because the Government must borrow huge amounts from the private capital market at a time of robust economic recovery which is to say at a time when the private sector is also bidding for funds in the same capital market.

There is a school of thought that argues for no link between deficits and interest rates. I belong to a different school. Though I appreciate the analytical difficulties of proving empirically association between deficits, or debt levels, and interest rates, there is little doubt from basic theoretical considerations that such a link exists.

But even if we were to assume away this link there is reason enough to fret over deficits. One need only look at the enormous implications associated with servicing a Federal debt of the size that looms on the economic horizon.

To draw again from Dr. Penner's recent testimony, "not since World War II have current and projected structural deficits been as large as they are now relative to GNP, and never before has the outlook been for steady increases in the Federal debt relative to GNP during a period in which GNP growth is projected to exceed the long run, full employment growth rate."

Mr. Speaker, that is a rather ominous thought. I don't go looking for dismal thoughts from the Dismal Science, but my study of this topic leads me again and again to confirm the gravity of the situation. I would like nothing better than for someone to show me the error in the logic of the Congressional Budget Office.

Some of the solutions that have been proposed simply do not add up to a full solution. For example, tax reform, which was mentioned earlier by the gentleman from Hawaii, is too often confused with revenue increases. This "t'ain't" necessarily so. Tax reform could well be revenue neutral, but if history is any guide, tax reform will have to be "bought" with tax cuts, thereby making the deficit even larger.

The line-item veto, as I have noted before, cannot be considered as a likely weapon in the arsenal of budget cutting tools.

In my judgment the line item veto would lead to more, not less spending and would in the process wreak havoc on the principal of separation of power which has worked well for over 200 years.

Nor can the balanced budget amendment, which I support, be more than a push in the right direction.

Finally, those who look to economic growth as the answer to the deficit problem are hard put to convince this Member that their numbers match their rhetoric.

When all is said and done we are left with a stark reality: The deficit will not go away even in the face of strong, persistent economic growth; a balanced budget amendment would help but would not by itself do the job; the line item veto would probably have the perverse result of increasing the deficit.

We are left with what I consider to be the principal lesson of the Grace Commission study: the way to reduce spending is to cut and eliminate programs and change existing policies. There is no reason to let up on ferreting out waste, fraud, and abuse, but truly significant spending cuts can only result from deliberate decisions to cut programs, programs which exist today because at one time, if not now, they were deemed good policy by the Congress and the White House.

Yet this path, too, is insufficient. The political reality is that we will not make significant progress on the deficit without increased revenues. It is a classic quid pro quo. If those who decry reducing the deficit only by spending cuts and those who decry reducing the deficit only by tax increases fail to come together the problem will grow as they take the political low road by declaring victory to their constituents. They win; but the country loses.

Mr. Speaker, again I wish to thank the gentleman from Hawaii for his efforts. Both sides of the aisle must continue to work together and carry forth the spirit that enabled us to make that first step through the Deficit Reduction Act earlier this year.

I thank the gentleman for yielding.

Mr. HEFTEL of Hawaii. I thank the gentleman from Ohio [Mr. GRADISON].

The Members joining with me this evening are: BILL FRENZEL, a Republican member of the Ways and Means Committee from Minnesota, and in the Chair serving as Speaker pro tempore, CHARLES STENHOLM from the great State of Texas. Our rules of the House do not make it possible for the gentleman from Texas [Mr. STENHOLM] to participate with us while he is in the Chair, but we will do some rotating so that he can come on the floor and speak with us also.

But I would like now to yield to my colleague from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. I thank the gentleman for yielding. I thank him also for making an arrangement so that we could discuss the difficulties that we find our country and ourselves in these times.

Speakers whom I have heard on this floor talking to empty seats and full Houses both have decried the deficit.

National polls seem to indicate that most Americans think the deficit is the No. 1 problem and yet day after day we see the Congress refusing to react to the deficit problem.

To me there is no magic in it. I do not believe that we will deal with it in other terms than reducing spending.

□ 1720

Certainly we have plenty of spending to reduce. One need not cut back anything. Indeed the last 7 years, as I have computed them, show average increases in our Federal spending at the rate of between 10 and 11 percent. Obviously that exceeds the cost-of-living increases over the years. If we were merely to limit spending increases to the total cost of living we could shave \$60 billion off the budget today. But, of course, we are unwilling to do that because all of us have a favorite element of the budget, whether it be national security, domestic discretionary spending, or entitlement programs. Whatever it is, none of us is willing to let his or her little share of the pie be touched. "Our section must be increased." As a result everybody's section is increased.

The way the Congress tends to discriminate is to give everyone his or her project and to give everyone his or her increase in spending because that is the only way "I can get my project or my increase in spending." The result has been, in my judgment obscene and outrageous increases which have taken us into the position noted by the gentleman from Ohio [Mr. GRADISON] where we have deficits as the largest proportion ever of the GNP, where we have interest at the largest proportion ever, and a growing proportion of the Federal budget, and where we have deficits growing over the next 5 years at a time of almost unprecedented national prosperity. At least we have estimated for our own convenience that the next 5 years will be unprecedented economic prosperity. All of the gentlemen who have spoken on this subject have lectured at length on the kinds of ways that we can reduce the deficit. To me cutting back spending is the first and only choice.

There are lots of other things that we have invented, balanced-budget amendment. Now I am a sponsor of that amendment. On the other hand it seems very presumptuous to think that we can get two-thirds of a vote in Congress for something we cannot get half; that is to begin to cut back.

Now I would prefer to restore the power of impoundment or the line-item veto. On the other hand those never influenced a great deal of discipline in the past but were simply a very small-gauge tool in the overall scheme of things.

Like the gentleman from Ohio I believe the Grace Commission gave us a

good blueprint. Unfortunately the suggestions of the Grace Commission were somewhat overstated and they are difficult policy decisions that will take Congress a while to work its way through. But I think it can be said that it is a good diagram for us and we did not do it justice in giving it consideration, particularly with respect to the largest item in it, that is reform of the Federal pension system which, according to the Grace Commission, would have developed about a quarter of all of the savings in that particular report.

With respect to taxes, if I were the king or the emperor, taxes would not be increased as part of any deficit-reduction program. But this is a world in which we have to make a majority to make some program work. In 1982, we found that we had to have a tax increase program to get anybody to talk about decreasing spending.

In 1984 the so-called downpayment on the deficit requested by the President consisted of about half tax increases.

I am not going to sit here and make an offer of how much spending it would take to cause me to accept some kind of tax increase, but I think anybody who can count heads or noses or even votes will understand that the House is going to demand some kind of tax concession to consider any kind of spending cuts in the next biennium, and therefore, I think these all have to be investigated.

Mr. HEFTTEL of Hawaii. Mr. Speaker, I would like to share with the gentleman [Mr. FRENZEL] an observation concerning this concept of tax increase. I think that it would be well for us to focus on the fact that a tax increase is only meaningful if you have a prosperous country which has enough of an economic base with which to provide the jobs necessary to make the country work. At this point in time when we have just turned the corner, with a very fragile recovery, it is not practical to think in terms of a tax increase which could curtail that economic recovery. I would appreciate the gentleman [Mr. FRENZEL] responding.

Mr. FRENZEL. Mr. Speaker, I think the gentleman makes an excellent point and one to which I subscribe. I do not believe in any kind of a substantial tax increase. I would prefer we did not have any, ever. But if we are going to think about packages in which taxes and spending are both involved, I think we cannot think about any kind of tax increase that is large enough so that the recovery would be threatened.

We are just completing the second year of what is either the first best or the second best recovery in the post-war period. We want that recovery to keep going. I think that is one of the very important considerations that is

going to have to govern our actions next year.

If large segments of the Congress or society request extra taxes, I think we have to be particularly vigilant to see that they are not granted if they are of significant size so that the recovery will be threatened. Remember, as I know the gentleman does, that the budget figures, the deficit figures for the future, even the ones that are ascending, are based on very generous assumptions, economic assumptions of growth.

If any of those should be rolled back by a thwarting of the recovery, any kind of minirecession or even a plateau occurs, we are going to find those deficit figures ballooning even further and our spending needs will be exacerbated.

So I think the gentleman makes an excellent point with respect to taxes. But I think what we would both agree, I know the gentleman from Hawaii feels this way, is that we have to discuss these things in the most realistic manner possible. We cannot use extreme economic theories to justify growth for which there is no historical precedents that will suddenly bail us out of our troubles.

We cannot expect from tax increases to get more money if it is the kind of increase the gentleman suggests it is and it defeats economic incentive and causes a recession.

So we have to deal in the best kind of realism that we know and work the problem, as we began to do this year, with the downpayment on the deficit.

I feel that that was not the best we could do but it sure was a lot better than anything done before now.

So I hope that will be some inspiration for what must come in the future. I think the gentleman in trying to stimulate some discussion on this subject has done the House and the Republic a very good deed and I thank him for it.

Mr. HEFTTEL of Hawaii. I thank the gentleman.

Mr. Speaker, I am pleased to note that on my Democratic side of the aisle my good friend LES AU COIN, of Oregon, has joined us. At this point, Mr. AU COIN, we have been discussing the concept of tax reform as a myth in the manner in which it is being presented to the American people. The idea that tax reform will increase revenue and balance the budget is fallacious. As a matter of fact, the tax reform proposals all claim to be revenue neutral.

□ 1730

We cannot immediately institute a tax increase because the economy has not yet recovered in fact, it has just barely turned the corner. Passing a tax increase at this time would jeopardize our fragile economic recovery. Therefore, we are going to have to

accept a significant level of deficits for the balance of this decade. Therefore we must tell the American people honestly and forthrightly that the size and cost of Government must be reduced, that it will be painful, and that Democrats and Republicans must join together in telling the American people the truth.

Now, I would like to have the gentleman from Oregon join with us and I yield to Mr. AU COIN.

Mr. AU COIN. I would, first of all, say to my friend and colleague from Hawaii how pleased I am to join in his special order this evening. I join my other colleagues who have expressed their appreciation for the leadership he has shown in trying to take a moment to, in a bipartisan way, look at a very chronic problem that faces the economy of this country both today and in the future.

We may have our differences. I know the gentleman from Minnesota, who preceded me, and I have differed on a number of different questions, on spending issues, on revenue issues. Certainly as dear as my friend from Hawaii is to me, we do not always see eye to eye on these matters or other matters. One of the problems in a representative body like this with 435 strong wills representing 435 distinct and different geographical regions of the country is that there are very real differences.

But there really does come a point in the time of a Republic when the danger to the health of that Republic is such that we have got to find the common ground, we have got to find areas in which we bury our differences, we have got to find areas upon which we can agree and we have got to face a common threat.

I wish to say to the gentleman that the words written some time ago, by David Broder, a well-known Washington Post columnist, are very apt today for the purposes of this discussion and for the purposes of the discussions that will follow for the balance of this session of Congress and into the next. What Broder said was that if there was a foreign enemy who posed the kind of threat to this Nation that these deficits pose, and which stretch as far into the future as the eye can see, then there would be no doubt that Democrats and Republicans would stand shoulder to shoulder and face that threat.

The trouble is this threat is from within. It is a threat of lack of will. It is a threat that comes as a consequence of failing to discipline our impulses, both on the revenue side and on the spending side. Democrats and Republicans, both in the legislative and executive branch cannot escape blame for this problem. And the American people, know that, they really do know that.

If, during the balance of this election season, we see a President pointing the finger of blame to the Congress for a deficit that this year will reach over \$170 billion, and in turn the Congress pointing the finger of blame back at the White House, the American people will be, I think, not very well served and certainly not be very pleased because finger pointing is not what they are looking for.

What they are looking for is solutions. They do not want people to tell them who to blame for this problem. They want to see that there is some willingness on both sides of the aisle in this Chamber and on both ends of Pennsylvania Avenue that on the questions of revenue, entitlements, discretionary domestic spending, which includes domestic and military spending that there is a willingness to give on all sides.

Unless we have that kind of statecraft, I predict that what will happen in the future is what has happened over the balance of this Congress. I am talking about a legislative gridlock where those who say we are going to balance the budget, but do not touch revenues, and those on the other side who say, these deficits are terrible, but do not do anything about entitlements, will continue to have enough political muscle to stop the other one from getting their way.

The problem with that is that it guarantees paralysis. It guarantees a continuation of a high deficit policy that will mean hundreds of billions of dollars of additional red ink each and every year into the future for—as David Stockman has said—as far as the eye can see.

I hope very much that sensible people can understand that there does need to be this level of statecraft practiced.

I have been advocating that Democrats and Republicans alike break this impasse by a bipartisan national commission, which can produce a single package representing shared sacrifices that touch each of those bases I have just named. Last year I suggested that we do this early in the session of Congress, before the election season started in order to go beyond a simple downpayment \$150 billion over the next 3 years. If we had done that, I think the country would have been better served.

Mr. HEFTTEL of Hawaii. I wanted to share with the gentleman an observation. I generated a resolution calling for a national bipartisan commission to address the problems of the deficit. I find that the gentleman introduced such a resolution in the Congress in 1983.

I wonder if the gentleman would share his thoughts with us about what you think the possibility is of addressing the deficit problem through the appointment of a bipartisan commis-

sion starting in 1985. Whether you think that the Presidency and the Congress would accept the mandates coming from such a commission as we did in solving the problems of the Social Security system.

Mr. AUCOIN. Well, of course, if the gentleman will yield further, it was the Social Security Commission that gives us some hope that this mechanism could work in this instance.

We all know that Presidential commissions in the past have produced reports that sit neatly on shelves and gather dust and in the past have not produced any action or results at all.

But a unique thing happened in the case of the Social Security Presidential bipartisan commission. We found that by the appointment of a blue chip commission with people from both political parties, inside and outside of the Government, that both sides of the aisle could respect, and that the decisionmakers at the other end of Pennsylvania Avenue could respect, by an appointment of a commission of that kind when it then produced a single package that represented an answer to the solvency of the Social Security trust fund, there was apparently the requisite political cover, first of all, for those doubting Thomases who found certain things that they could disagree with, enough political cover for them to nevertheless go along with that package because there were more pluses than minuses in that package.

There was also a recognition that if one did not vote for the product of that particular commission, blue chip and high level as it was, then the onus was going to be on the doubting Thomases who would vote against it to come up with their own package and that they had better deliver.

Everyone, I think, recognized that that was our only chance to solve a major crisis in Social Security. The package passed. And if the gentleman will recall the Social Security solution was achieved within months. This defied predictions at the outset of the Congress that this was an issue that would in fact tie Congress up in knots for months and months and months and months.

□ 1740

So I would think that now that we are faced with even a greater crisis, a literal pistol aimed at the temple of this Nation's economy, with the potential of ruining perhaps as early as next spring, what exists in a recovery that is now underway, with all of the damage that that could do in terms of disruption of capital formation which we simply have got to have if we are going to make the critical investments in technology and manufacturing plant expansion, and all of the rest, to be competitive in an increasingly international marketplace, with all of

those risks, I would think that a bipartisan commission producing a comparable package could produce a response on this economic crisis, and I would certainly hope that that would be the case.

I do not think it means we are for passing the buck. I think it means we have got people on both sides of the aisle who have made a series of promises to their own constituents. There are people over there on the Republican side who have said that they are going to balance the budget but they are not going to touch military spending, and they promise their constituents that. And there are people over on this side of the aisle, the Democratic side of the aisle, who said we are going to balance the budget but we are not going to touch entitlements, in any fashion whatsoever.

The problem with that is that neither of those promises can be kept. And unless we have some kind of a package in which there is shared sacrifice, in which the rate of increase in military spending is restrained, the revenue base is restored, discretionary domestic spending continues to contribute its share of the burden, and all of the other bases are tagged, we will continue to cancel each other out. However, a single package that tags all of those bases would I think, break the paralysis for this reason: Republicans and Democrats who have said to their constituents, "I will balance the budget but I will not touch military spending," can literally go back to their constituents and say, "I did not want to touch military spending I voted for this package. It had cuts in military spending. I promised you I was not going to make those cuts, but I did it because it was a part of the package which also finally came to terms with the problem of entitlements, an area of the budget which has exploded in cost by 450 percent over the last 10 years." By the same token, Members who have said entitlements are sacrosanct and have made those promises very sincerely could go back to their constituents and say, "Notwithstanding the promises I made about entitlements, we did make responsible adjustments because we had to, and at the same time, as part of the package, we were also in that bargain, able to get those who were refusing to touch a nickel of this incredible military buildup, to restrain the rate of increase in military spending."

If we can create that kind of dynamic, I think, it will be possible for Democrats and Republicans and people of all philosophies to get behind something that is essential, and that is a deficit-reduction package, a package that will bring receipts and revenues more nearly into balance. Unless we do that, all the dreams of every member of the Republican Party and their

agenda will be for naught because we will have no economy to sustain any of those dreams; and all of the dreams of those on the Democratic side of the aisle will be for naught, too, because there will be no economic activity that sustains those dreams either. No one's agenda will be achieved. We must have an economy that allows the creation of private capital, and that capital will not be created if it is true that by 1989, as the Congressional Budget Office says, the Federal Government will be borrowing so much that it will be sponging up nearly 78 percent of the net savings pool of this country.

Can you imagine that? Seventy-eight percent. That means there is less than 25 percent for everyone else in the country, homeowners, potential automobile purchasers and, small business people. That means high interest rates and a devastating economy.

Mr. HEFTEL of Hawaii. Just think what it means to say that we will go from spending over 20 percent of our revenues for interest expense by the Federal Government in 1984 to spending over 75 percent of our revenues for interest expense in 1990. The public participating with us will quickly realize what that means to jeopardize our future.

Now, it is only when this Congress and the people realize what is going to happen to us that we will be compelled in a common effort to cut military spending, to join domestic spending, in fact, all facets of Government spending. I yield to the gentleman from Oregon.

Mr. AUCOIN. I appreciate my friend yielding to me.

The gentleman has made I think a significant and very serious point, and I would hope that those who read the record that the gentleman is intending to spread across the pages of the CONGRESSIONAL RECORD tonight would pay particular attention to it.

There is no doubt that we have an economic recovery underway in the country. There is also no doubt, incidentally, that there have been pockets that have been left out—and Oregon, my State, happens to be one of them. But there is a national economic recovery. I cannot help but note, and I think the gentleman understands this, that one of the characteristics of that recovery is that idled plant capacity, made idle and left idle during the last recession, is now gradually being put back into activity. That is basically the essence of the economic recovery we have today. Temporarily, that is good, but it does not go to the larger point about preparing this country and our collective States and districts for their economic future. What goes to that point is the creation of capital and the expansion of capacity and new technology so that we can meet the economic future—a future that is going to

be very stiff with international and domestic competition.

So, unfortunately, in a way—though I am so pleased that the pain and the agony of the last recession is not being felt in as many households in my district as it certainly was a few years ago—there is a little bit of a false sense of security about our current recovery. I would hope that those of us who have been sent by our constituents to come here and to work on policy and to try to look out over the horizon would understand that that is the nature, a large part of the nature, of the current recovery; and if we simply point to current figures and say, "Well, this many people are now back to work and everything is rosy," we really delude the people.

□ 1750

We take their eye off the ball. We diminish our collective ability to collectively, on a bipartisan basis, develop growth strategies that will be designed to create capital and expand capacity so that we are not just in a period of time when we are refilling idle capacity made idle by the worst recession since the Depression. We are really preparing this country for its economic future. That is the unmet need.

That is the unmet need that the failure to make a major bite in the deficit has left for the next Congress to deal with. I regret that the across-the-board freeze on spending as a budget resolution failed. I argued for it on the floor. I know there were Republicans and Democrats who disagreed with me. If we could have passed that, we could have reduced this deficit over the next 3 years by \$234 billion.

I would submit to the gentleman and to my colleagues that a \$234 billion deficit reduction, as a downpayment over 3 years would be infinitely better than a \$150 billion downpayment on the 3-year deficit, and would have sent a much stronger signal to the American people and to the credit markets and to one and all that we are serious, institutionally, both in the executive and in the legislative branch, about the problems of this deficit and we are committed not to just singing the praises of the current recovery. But that we are really committed to growth strategies in the future that prepare this country for a very vigorous economic test.

I want to compliment the gentleman who I think has just exercised enormous leadership all through the years he has served in this House and on the Ways and Means Committee, for taking the time tonight to allow Members of both parties of good will to discuss this problem and maybe from the leadership the gentleman has shown, greater progress can come with a higher degree of statecraft being exercised in the remaining weeks of this

Congress, and certainly in the next Congress.

It is especially timely that we raise this issue today because election year posturing and the rush to adjourn should not be used as an excuse to duck the most urgent problem facing our Nation and our Nation's future—record-high \$200 billion deficits.

In fact, in the short time remaining this Congress, we should evaluate our record, assess what we've accomplished and focus on what needs to be done in the months ahead to bring the deficit under control.

No amount of outrage or finger pointing about the growing deficit can substitute for action. And action calls for a bipartisan response in which both sides make sacrifices for the good of the whole. We made some progress this year in passing the \$63 billion Deficit Reduction Act. This was a modest bipartisan effort but it was only a drop in the bucket. Much more needs to be done.

And that is what I have tried to focus on today—the need for a major bipartisan approach to the deficit crisis. What we need is a bipartisan attack on red ink, not partisan attacks on one another.

These massive deficits have serious consequences and we know what they are on both sides of the aisle. According to the latest Congressional Budget Office forecasts, the deficit will continue to rise for the foreseeable future. For 1984, it is estimated to be \$172 billion and by 1989 it is estimated to balloon to a staggering \$263 billion.

By the end of this year, the national debt will soar to nearly \$1.6 trillion. By the end of the decade, it will double and amount to an estimated \$15,000 for every American family of four. On that debt, interest payments alone will rise to \$220 billion in 1989—more than the amount spent on Social Security benefits in 1983.

There are very real problems with that. It tells us that despite its momentum, the recovery is living on borrowed time. We are courting an inflationary blowup, holding interest rates high, and devouring the pool of savings available for investment.

Last month, housing activity plunged 13 percent to its lowest point since December 1982. My State of Oregon still lags behind the national recovery. Many lumber mills are running below capacity and unemployment hovers above the national average. The long-term potential for export-trade in the Northwest is being held hostage to the high value of the dollar.

So what are our options? Well, as I said before, liberals can stand in cement on entitlements and domestic spending saying that all the cuts must come from defense. And, conservatives can stand in cement and say that all

the cuts must come in social programs. Under that scenario, the only thing that will move will be the deficit and it will simply rise higher and higher.

Certainly, this is not a rosy scenario but it is the one we will face unless we break the current political impasse that prevents more than token reductions in the deficit.

Congress could pass a constitutional amendment to balance the budget. One problem with amending the Constitution is that it could take years to get ratification. We can't afford to wait that long.

During the debate on the budget, the administration and Republicans offered a \$150 billion deficit-reduction plan. House Democrats offered a \$180 billion plan. Both plans, however, did little more than scratch the problem. Both did nothing to address the problem of paralysis.

That's why I joined the effort to freeze Federal spending more or less across the board. The freeze plan provided for no real growth in any area of the budget. Defense and entitlements were indexed to inflation and domestic programs were allowed to grow at 3.5 percent, slightly less than inflation.

The freeze proposal was the largest deficit-reduction plan on the table and the only plan that used the revenues it raised to reduce the deficit. Again, I want to emphasize that it would have slashed the deficit by \$234 billion. If our objective as the President has said, is to make a substantial downpayment on the deficit to give the credit markets of this country some confidence that Government is serious about this problem, then this budget plan was the strongest message we could have sent.

Unfortunately, the plan failed. I feel it is important to know why it failed because it clearly defines the problem our country and Congress find themselves in. It failed because both sides of the political spectrum weren't willing to compromise and get behind a package that required some sacrifice from their political agenda.

Conservative opponents of the freeze plan said it did not allow for enough growth in military spending. Liberal opponents of the plan said it would have cut too deeply into domestic programs.

To those who suggest that such a freeze is heartless and would come at the expense of the poor or at the expense of national security, I would ask them, "What is more heartless, making sacrifices on both sides or letting the deficit grow?" I believe, and I think the majority of the American people would agree, that the most heartless thing is to saddle them and future generations with a debt that this country cannot sustain, unemployment which will make what we've just come through look like a Sunday school picnic and a new wave a busi-

ness failures which will make the last recession look mild by comparison.

Clearly, the time has come to lay down our partisan ideological differences and stand shoulder to shoulder. Closing the budget gap will require giving up some sacred cows on both sides for the promise of a better future.

Recently, a bipartisan group of more than 600 business persons, former Government officials, lawyers and economists launched a grassroots effort urging all Members of Congress to make a common commitment to cut the deficit.

A budget freeze of the kind I've outlined provides a common ground for common sacrifice and a common commitment. It says I am willing to give ground on the three elements that we have to address; social spending and entitlements, military spending and taxes. It says I am willing to take a bold and significant step toward cutting the deficit even if it means giving up some narrow parochial concerns.

This same coalition supported the establishment of a national bipartisan commission to help achieve deficit reductions mentioned earlier.

Like the freeze proposal, the purpose behind setting up a commission is to formulate a deficit-reduction program that attacks the root of the problem and calls for shared sacrifice.

I first came to Congress 10 years ago. Since then, in every Congress, under every administration, I've voted for less spending than every President asked for, including President Reagan. In the last 2 years, I've opposed 17 of 30 spending bills for a total of \$118 billion less than the administration wanted and \$126 billion less than Congress authorized.

We all have our individual votes we can point to and we all have our individual checklists. The problem, however, continues to be how to fashion an effective deficit-reduction package that can command the votes necessary to pass. I maintain that a freeze plan could give us the best chance of doing this by imposing sacrifice equally. It only requires political will to put into effect.

The bottom line is this: Unless we control the deficit, it doesn't matter whether your world revolves around capital formation or whether your world revolves around programs to help the needy because \$200 billion deficits spell doom for anyone's agenda. Worst of all, it locks up our economic growth potential and the promise of better things to come.

Mr. HEFTTEL of Hawaii. I want to compliment the gentleman for his insightful presentation. You have made a significant contribution to our effort to talk to the people we represent as bipartisan Members of Congress. Hopefully, we have demonstrated a capacity to analyze problems in a con-

structive manner without indulging in partisan rhetoric.

One of us who joined in our presentation this evening served in the chair, CHARLES STENHOLM from Texas, and so I am going to leave the well and occupy the chair so that Mr. STENHOLM can join with you and express his views on the concerns that we have shared tonight.

I also want to let the people know that we will conduct special orders of this type in the future. Presenting problems and potential solutions in a bipartisan manner.

Now, I thank the gentleman for participating with us, as I occupy the chair, and Mr. STENHOLM will join us on the floor. Before I do, I yield to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for yielding. I would be glad to carry the watch here. When the gentleman was discussing the subject of taxes, the gentleman indicated that one of the real dangers was that we might stifle the recovery by the imposition of too great taxes.

Mr. HEFTTEL of Hawaii. Yes, I am very concerned about that.

Mr. FRENZEL. And a desire to curb the deficit without curbing our spending appetites. The gentleman also made what I thought was a very interesting statement about tax reform where you said that there are many that think they can use tax reform to buy a balanced budget, which I guess, in which you indicated that the only way you get tax reform is to have a revenue-neutral approach in which you take away from tax preferences from another and spread them through the tax schedule so you get a new balance and a new alignment. That does not produce any money to buy down the deficit. That is an interesting thought that I think has not assailed the mentalities of a lot of our Members. That is that if you use tax reform to attack the deficit, it only is a tax increase, even though you may lay it on someone else's constituents rather than your own. Is that the point that the gentleman was trying to establish?

Mr. HEFTTEL of Hawaii. Absolutely. I also want to point out to the American public the fact that politically, tax reform becomes dialog a way of avoiding dialog about the real problem; namely, the deficit. I find that there are those among the political system who talk about tax reform instead of reduction of deficits, because they have no answers that are not painful for reducing the deficit. So they talk about reform as though it will accomplish it for us.

If we look back at the tax cuts of 1981 and the promises that went with them regarding a balanced budget, it is obvious that tax cuts do not a balanced budget make.

I think that the gentleman has zeroed in on an important point that we must share with the people: Namely, not to be misled by the myth of tax reform as though it will solve the problems of deficits because it will not.

Mr. FRENZEL. That is right. We cannot blame the taxpayers for the deficit; it is not their fault.

Mr. HEFTTEL of Hawaii. We create the deficit by spending more money than we have, by making promises to the public we cannot afford to keep.

Mr. FRENZEL. Thank you for clarifying that point. I will guard the ship while the gentleman assumes the chair.

TAX REFORM

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Minnesota [Mr. FRENZEL] is recognized for 60 minutes.

Mr. FRENZEL. Mr. Speaker, the reason I took this time was simply to extend the dialog begun by the distinguished gentleman from Hawaii. I have perhaps overparticipated already at this point, and I would like to yield to the distinguished gentleman from Texas [Mr. STENHOLM] with whom I have worked over the years on budget matters and found him to be one of the very few Members of the House who have been willing to swallow what is often unpleasant in an attempt to lower the deficit.

Mr. STENHOLM. I thank the gentleman for yielding. I appreciate those comments, and I very much appreciate his effort and also Mr. HEFTTEL's effort in beginning this dialog today of what we all hope will be a series of serious efforts to bring about debate, and hopefully to find 212 other Members to participate with us in the spirit of which we have been talking about today.

If we get 212 more agreeing to the general principles that have already been discussed today, we will have made one giant stride toward delivering on that elusive goal that we all talk a lot about, but we have not yet been able to deliver, and that is a balanced budget.

Much of what has been said today needs to be said over and over. To reach a balanced budget we are going to have to continue the economic recovery and see that it moves out and spreads out into the entire United States. We are going to have to cut spending. We are going to have some additional revenue.

□ 1800

That is my judgment also. But I think we need to keep it in the order that I have just mentioned, and I want to focus real quickly now on three points.

First of all, Will Rogers once observed that, "It ain't people's ignorance that bothers me so much. It's them knowing so much that ain't so is the problem." And I think how well those words can be interpreted today when we talk about what has caused the deficit.

In so many people's minds, the deficit has been caused by increased defense spending. Nothing could be further from the truth when you analyze our budget of today and compare it with most any period in modern history and I will use 1970 for example this evening.

Defense spending is exactly at the same level in 1984 as it was in 1970 if you use constant dollars, which means in economic language that you take out inflation. We are there.

So the deficit of \$170 billion, give or take that we are talking about in 1984, has not been caused by increased defense spending, and that is a fact.

I would suggest that in this political year that constituents of all of us challenge any of us that make that claim.

So then where is the deficit coming from? And, of course, here it gets into the real problem.

About \$120 to \$130 billion of this deficit is coming directly from transfer payments, payments to individuals better known as entitlements today. The taking from the working of today and paying to those who have worked in the past and who have now earned their retirement. Therein is the big cause of the deficit today because therein we have seen the greatest proliferation of spending in the last 14, 15, 20 years.

Of course, the other big area is interest rates and we have already heard expressed tonight and over and over the alarming growth of deficit and what that is doing to future interest payments that are going to have to be met first by this body in any future budgets.

About \$30 to \$35 billion of the current deficit is already built in because of increased interest costs to pay for our previous deficit spending, of which the last 3 years has seen a great proliferation.

So that is the first point I want to make. Let us try as we have done tonight to begin focusing on the real causes and just as I am often reminded of some of my rhetoric when I first ran for this office, in 1977 being elected in 1978, at that time we were spending, we the United States of America, our budget, we were spending at the rate of about 21 percent of our gross national product.

I observed at that time that we ought to have a balanced budget. We ought to reduce spending to 18 to 19 percent of our gross national product. Match revenues with expenditures and have a balanced budget.

I also acknowledged since I was calling for an increase in defense spending that we may have to go a little above 18 or 19 and maybe go to 20 percent.

Well, again today in 1984 we have achieved that goal on the revenue side, because revenues this year are about 19, 19½ percent of our gross national product. The problem has come on the other side of the ledger.

We are spending at the rate of 24½ percent of our gross national product, a level much too high to sustain for any indefinite period into the future.

So here again, the culprit is spending, no question about that, and if we are going to do something about it we are going to need to address that area.

Now here we run into the problem that all of us politicians have as we are all, not just us, the people that we represent, all of you, bless you, everybody wants to balance the budget in the other guy's program. Everybody is in favor of cutting in the other guy's program, in the other guy's State, in the other guy's committee.

Well, let me be the first in the spirit of the conservation tonight, let me be the first to talk about the committee that I serve on, the Agriculture Committee, and let us acknowledge here and now publicly that we can make savings, tremendous savings from the agricultural budget by doing a better job of managing, putting the "M" back in OMB, as I like to put it.

When we passed the farm bill of 1981, many of us and I did not support the bill at that time, and I guess I have turned out to be prophetic, because one of the reasons we did not support it, we felt it was going to do far too little for farmers and cost the American taxpayer far too many dollars and we have seen this happen.

Interestingly, in 4 years of the Carter Presidency we expended some \$24 billion on farmer-related programs. During 4 years of the current administration, we are going to expend some \$62 billion.

Therein is part of our deficit problem. Now if we had expended that much money and had caused the kind of economic recovery that is needed within the largest industry of this United States, the agriculture industry; if we had expended those funds and extended benefit in direct contrast with those expenditures, there may have been some justification.

But when you look at last year's income results and find that the American farmer collectively had net farm income of \$16 billion after we had expended \$23 billion, something ought to tell you that something is not working.

So the challenge to those of us on the House Committee on Agriculture, and I know we welcome that challenge, we look forward to the 1985 farm bill and the belief that we can, in

fact, do something both in a productive and a cooperative spirit with the entire body of doing something about our budget problems while, at the same time doing something about the income problems of our largest industry and recognizing just as in every other industry when you have a productive, profitable industry, taxes are paid, people are put back to work, unemployment goes down and the deficit comes down.

It is a challenge. I will not take all of my time tonight to go further into those details, but I will say we are going to be talking a lot more and I suspect that in the colloquy and the debate and the discussion of just such an effort tonight that we are going to spend a lot of time again on agriculture in the same spirit that they are bringing it up tonight.

One last point I would like to make quickly before I yield back.

I am getting a lot of cards and letters today from folks back home concerned about their COLA. And I can certainly sincerely appreciate that those who are living on a very, very small income concerned about their cost-of-living adjustment. I can appreciate that.

But many, many who are writing are not totally dependent upon that COLA. And my point to all of you tonight and I guess the question to my constituency at home when I speak to senior citizens and others who are very concerned about cost-of-living adjustments, when they deal with Social Security and retirement programs, the question is, Where did we ever get the idea in this country that COLA, cost-of-living adjustment, whether it be in the retirement program or whether it be in our everyday salaries, where did that ever become an inherent right of being an American citizen? Where did we ever come to expect as Americans that COLA is a vested right inherited by being born and privileged to be free and to wake up this morning and to shave and to make our hair and to step out in the United States of America.

But today many have gotten that idea and I suspect much of it has come from the debate in this very body. But what we do not stop to think too often about is when we talk about cost-of-living adjustments to Social Security we are talking about money that must be collected from today's working men and women and that usually translates into children and grandchildren and great-grandchildren in order to pay that out of our Social Security trust fund.

And I wish more of the people that make this such a political issue would be a little more honest, because when they do that I think they will find the same reaction that I get when I present it just that way; is the realization that we must be concerned, yes,

about the welfare of today's current retired community; no question about that.

But we in this body have got to consider not only today's recipients, but also the future recipients. And when you think about it in just those terms, you must come up with a little more complicated answer than some of the simple postcards that inundate this body periodically and the many political charges that are made about who is going to do what to whom as far as the Social Security trust fund is concerned.

The trust fund is just that. It has always been a pay-as-you-go principle and it is one that we in this body are going to have to address just as in 1977 this body passed the Social Security Improvement and Protection Act that was going to last until 2025. It lasted until 1983.

We also now are saying we have saved it until 2025 again by what we have done in 1983 is further from the truth and the sooner we start talking about the facts as they are and recognizing that each of the 230 million American citizens have an equal responsibility to today's generation and future generations, and recognizing we are never going to balance the budget of the United States until we can talk intelligently about entitlement programs without getting emotional and without scaring the senior citizens, that goal of which is one of my foremost to become one, without scaring them to death by the rhetoric that comes out of this body, however unintentionally it might be.

I thank the gentleman.

□ 1810

Mr. FRENZEL. I thank the gentleman.

Is the gentleman aware that once that Social Security COLA goes into place, the taxable base for Social Security payments increases so that those who vote for the Social Security COLA will be voting for an extra \$2 billion in taxes on individual taxpayers?

Mr. STENHOLM. I am well aware of that. It has always been interesting to me since our President proposed it and at the same time opposes increasing taxes. We cannot do both.

Mr. FRENZEL. Yes. There are a lot of heroes around here who are deathless enemies of taxes who keep voting for those sorts of things, perhaps unaware that they are at the same time laying additional new taxes on middle-income Americans who are perhaps the most productive element of our entire society.

I thank the gentleman for his thoughtful remarks and hope that we can get into this a little more in the future. I think we have established for tonight, at least as a beginning basis, that none of us think taxes are a great

way to attack the deficit, and that until we understand that we must reduce our spending, our efforts to reduce the deficit are going to all meet with failure. However, simply, the discussion that has gone forward here tonight, and the participants have renewed the vigor of at least this one Member and the enthusiasm of this one Member to take another swing at it and see if we can achieve a consensus that will reduce our spending, reduce our deficits, and put our country solidly on the path to continue the extraordinary recovery we have enjoyed.

Mr. Speaker, I yield again to my distinguished colleague, the gentleman from Hawaii [Mr. HEFTTEL].

Mr. HEFTTEL of Hawaii. I thank the gentleman for yielding.

Mr. Speaker, I want to thank you, BILL FRENZEL, and the Chair, CHARLIE STENHOLM, the gentleman from Oregon, LES AUCCOIN no longer with us, the gentleman from Ohio, BILL GRADISON for participating in speaking with the American people as we have, to let them know that there are those of us in the Congress who feel that we should be solving our problems, discussing our problems not as partisan Democrats and Republicans but as Americans serving in the Congress for a common good and a common cause.

Tonight we hope will just be the beginning of this form of dialog. I think on behalf of all of us I would like to invite the American public which has participated with us to phone our offices in our local districts or write to us, to communicate and let us know what they think and how they feel about what we are trying to achieve in a body which must function with at least 218 votes before it can perform well.

I want to thank the gentleman from Minnesota so very much for his participation and thank all of those who have joined with us in C-SPAN television.

Mr. FRENZEL. Mr. Speaker, I yield back the balance of my time.

HOW TO BALANCE THE BUDGET—PART II

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I want to say that I think the preceding dialog was very helpful and sort of set the tone for this particular special order. I spoke last Friday, September 14, and it was reprinted in the CONGRESSIONAL RECORD on page H9580, on the top of how to really balance the budget. I guess because that particular special order got involved in some superb dialog with the gentleman from Idaho [Mr. CRAIG] who was lead-

ing the effort on the constitutional amendment to require a balanced budget, and with the gentleman from Ohio [Mr. KASICH] who is doing some excellent work on monetary policy, and the gentleman from California [Mr. LEWIS] who serves on the Committee on Appropriations, and brought to bear some of their personal experiences in dealing with spending problems in the House and with the difficulties we have in the House in trying to bring our budget into balance, this turned out to be a two-part special order on how to really balance the budget, so I guess tonight's special order is really "How To Balance the Budget—Part II."

I want to pick up by first reminding the Members of the House and our viewers of the key points we talked about last Friday as a framework for thinking about balancing the budget.

We were suggesting that we are at the edge of an age of growth, a period of economic growth in jobs that is extremely important. We were suggesting also that there is a revolution in economic thought and that that revolution is composed of three parts: First, of an explosion in productivity that will increase the goods and services available to the entire human race across the planet; second, in the shift from mathematical to human economics; and third, in the shift from national to global economics.

I think these three layers are very, very important, so I am going to repeat them first as an overview. First, we are entering a tremendous explosion in productivity. Second, we are seeing economics begin to shift from a focus on mathematical models toward a focus on how you motivate and manage human beings. And third, we are beginning to recognize that we are going to have to have an ability to deal with a global economy, not just a series of national economies.

Let me reframe these just for a minute and remind both our Members and our viewers of why these are so important and how they change the world.

First, the explosion in productivity. I mentioned last Friday that the history of human productivity can in a sense be described as three "S" curves. The "S" curve stands for the rise in productivity. It is commonly used in high-technology companies. For example, the Wright brothers 81 years ago, in the first powered flight, flew and landed in a distance short enough that they could have been taking off and landing on the wing span of a Boeing 747. It took a very long time, which is the flat, bottom part of the "S," to figure out how to make airplanes really work. Suddenly, with tremendous speed, we see productivity increase, which is why it rises up the side of the "S" as airplanes got bigger, faster, carried more people, and then

as the technology matures it tends to flatten off at the very top.

This is why, in looking at a whole range of technologies from computers to aircraft to medicines, scientists discovered this theory of what they call the "S" curve of productivity growth. Seen at the level of what one might call macro-history, what happens to the entire human race over time, a number of authors, as I mentioned last week, Kenneth Bolding in "The Meaning of the 20th Century," Daniel Bell in "The Post Industrial Society," Peter Drucker in "The Age of Discontinuities," Alvin Toffler in "The Third Wave," to some extent John Naisbitt in "Megatrends," all came to the general conclusion that human history can be described in terms of three very large S-curves or tremendous changes in productivity. What Toffler called the first wave was the rise of agriculture, the second wave was the industrial age, and the third wave, which we are just entering, is an information age.

This is an important framework of thought because if, in fact, we are entering a revolution in productivity. The one example I have here is that from 1962 to 1984 the amount of computing power that one could buy for \$1 increased by a factor of 4 million; that is, for every dollar you spend in 1984 one can buy 4 million times as much computing power as one could buy in 1962.

□ 1820

That is a 99 percent per year real growth rate. What the suggests is that we are beginning to move up a new S-curve of productivity, to go through an explosion in our ability to develop new goods and new services. In particular, in information sciences, in biology and in space, we are seeing a revolution in our ability to produce goods and services.

This does not mean the end of very important industries, any more than the industrial age meant the end of farming. We are still going to have steel industries. We are going to have automobile industries. We are going to produce a lot of goods and services, but as everyone knows who has looked at modern auto plants, we are going to produce more and more things using the power of the computer to enable us to produce goods better and more rapidly.

The second great change is the shift from mathematical to human economics. We see this every day. Probably the most successful recent examples have been the writings of Peter Drucker and a book by Peters and Waterman called "In Search of Excellence," the argument that if you lead people well, if you do the right things to motivate people, they will change their behavior in ways that lead them to be more productive.

The reason that some football or baseball teams have a consistent pattern over the years of being successful, while other football and baseball teams have a consistent pattern of being failures is not just the quality of the talent they recruit, but is the quality of the leadership, of the structure, of the culture of the team.

So we are beginning to recognize once again that mathematical models of the economy may just be wrong, that the geniuses of Thomas Edison, of Henry Ford, of the Wright Brothers, of Lee Iacocca, these kind of intelligent, dynamic, driving personalities, may not be measurable purely in terms of money. That is why some movies that cost a great deal fail; some movies that do not cost a great deal are very successful.

There are characteristics that are human, that may be more important in deciding how the world works than characteristics of sheer economics or sheer numbers. That is why if you look, for example, at Japan, South Korea, Taiwan, Hong Kong, Singapore, those are very successful economies. If you look at the United States compared to Western Europe, for the last 50 years it has been remarkably successful. From this standpoint, much of the crisis of Western Europe has been a crisis of culture, not a crisis of money.

In fact, Peter Drucker recently wrote a brilliant article, which I cited last September 14 in the first part of this essay on how to balance the budget, in which he said:

If you really want entrepreneurs, if you really want people out creating new businesses, if you really want high technology companies to create new jobs, you have to encourage all entrepreneurs, because it is the culture, it is the attitude, it is the ideas, it is the tax structure that encourages investment, that encourages risk taking, that encourages doing the right things that collectively matter.

So the second point may be as powerful as any. There are models of behavior. Douglas McGregor in "The Human Side of Enterprise" described it brilliantly 20 years ago. He said:

We would never build a waterpipe for water to go uphill because we know that water doesn't go uphill, yet we frequently build bureaucracies and management systems that work against human nature.

Why would we accept the reality that water will not go uphill and then ask human beings to act antihumanly? The reality is they will cheat. They will find ways to get around the system.

If you tell a farmer that you are going to dramatically tax his corn, he will grow less corn and grow more wheat. If you tell him you are going to dramatically tax everything, he will quit growing everything and grow just barely enough for his family. We know that is true, yet we look at countries

which overtax their farmers, discouraging incentive, punish their entrepreneurs, and we wonder why they are economically sick.

If you saw a man who drank 5 gallons of whiskey a day, you would not be surprised that he had real problems, yet we see countries that take the economic and cultural equivalent of 5 gallons of whiskey a day and we seem surprised that they have problems.

If you reward the right behavior, you tend to get the right results. Basically, that is the core of the revolution in the shift from mathematical to human economics, the argument that human leadership, human habits, cultures, may be more important than just numbers.

Third and finally, we are undergoing a tremendous revolution because we are now part of the world economy. There is a very disturbing article in today's Washington Post, September 20, by Robert Dunn, Jr., who is a professor of economics at George Washington University, entitled "Barriers to Trade." The point Mr. Dunn makes is that world trade is very, very important to all of us. Exporting is important to our farmers. Importing is important to those of us who eat bananas or drink coffee. There is a tremendous constant shift back and forth of resources, both manufactured and agricultural in goods and services, and that the world is getting smaller because of electronics because of the revolution in space.

The very reality that we were able to knit together 140 countries to watch the Olympics live and in color by satellite from Los Angeles should teach all of us that we now live in a very small electronic neighborhood and it is vital in that neighborhood that we continue to be concerned about the entire global economy, not just the American. Let me explain why. They are all linked together. It is a little bit like a mountain climber who is having trouble with a rope which has been holding him up because it is attached to another mountain climber, so to get rid of the rope, you just cut it. Now, if that rope was the thing that was holding you on to the mountain, you may fall off the mountain. That is the problem we face. In fact, it is precisely the problem that led to the Great Depression in the 1930's. What made the Great Depression so severe was that each country protected itself in a way which made it worse and more difficult for every other country.

The best example is what would happen to Mexico, Brazil, and Argentina, if we were to suddenly make it impossible for them to sell to us, and here is what Professor Dunn says:

If the United States makes it impossible for these countries to steadily increase their exports of goods such as steel, garments and shoes, it will also make it impossible for

these countries to repay their debts or even make scheduled interest payments. A number of major U.S. banks have lent well over 100 percent of their net worth to developing countries and now face serious repayment problems.

In other words, if we stop Brazil from being successful, from selling anything to the United States, the Brazilians will not be able to earn enough money to pay back the loans they owe the United States so we will lose the money they already owe us.

Similarly, I would suggest that if the Western Europeans become more and more protectionist, if the United States becomes more and more protectionist, the Japanese economy starts to suffer and all of a sudden the entire Western alliance, which has preserved freedom now for 39 years, begins to fall apart, so we have to be concerned about the entire world.

Furthermore, it is the world which is holding up the American economy. Higher interest rates, greater investment possibilities, the 1981 tax cuts which increased the productivity of the American economy, all of those things have drawn money into the United States. One of the reasons the dollar is strong right now is because the entire world is buying into America. The world thinks America is the safest, most productive, smartest investment for the future; so the world wants to come and invest in America. That has given us the capital to finance our current debt. It has given us the capital to build more factories. It has made the dollar stronger allowing us to buy more goods and services overseas. That is a function of the world economy, not the national economy.

So to summarize again, any thinking about the budget and about balancing the budget and about the Federal Government has to start with the three understandings, first, that we are entering a revolution in productivity; second, that we are now moving from mathematical to human economics; and third, that we have to design America's policies within the framework of a global economy and an electronic neighborhood, not within the framework just of the nation-state.

The challenge then in this setting is whether we are going to change with reality or fight the reality of change. What we have seen, and I want to repeat that because I think this is in many ways the central choice in American politics, much deeper and more fundamental than Mondale's raising taxes and Reagan not raising taxes. This is the core of the underlying long-term choice for the American Nation. As reality changes, we can change with it or we can fight that reality.

Now, we see examples in Western Europe of countries, regions, labor unions, companies, governments, that

have fought reality. What happens over time when they fight reality? The companies get older. Their jobs become less and less survivable. Their industries decay. Their wealth declines. Their capacity to be free diminishes.

It is nothing new, nothing surprising. What happens, on the other hand, when you work with reality, when you accept that you are going to have to change, you are going to have to grow, you are going to have to develop more effective, more powerful, more desirable behaviors?

We see that in the Pacific where countries have grown dramatically. You can even see it in some industries where you have a company that changes versus a company that decays.

I happened last night to be given the opportunity to speak with the Harris Corp. in Florida. The Harris Corp. was originally a printing corporation. It originally started as a company that was worried with paper and with ink.

□ 1830

About 20 years ago the Harris Corp. came to the conclusion that while it was making money at printing, it was making more money with high technology electronics. And so year after year they shifted more and more of their resources into the process of investing in research and development, inventing new systems, building new electronic gear.

Just 1 year ago they finished that transformation by selling off the printing industry which was the original parent of the whole company, taking the cash from the printing company that they had just sold and buying and merging with Lanier Business Machines, which is a company that is compatible with them in a high technology area, but that is in fact a good marketing company.

The story of Harris over the last 20 years is in a sense the story of the future, the development of America.

Now, notice that they did not have less jobs. They have more jobs than they had 20 years ago. They have better paying jobs than they had 20 years ago, and they have a more sophisticated work force than they had 20 years ago. They are making more money than they made 20 years ago.

The same thing can be true of the future. It is fascinating in that sense that Professor Dunn makes this point about those countries that followed the right policy.

There is the broader issue of the basic development strategy pursued by developing countries and the U.S. role in the Third World. For a number of decades the United States has been encouraging developing countries to follow an export led market approach to economics, in opposition to those in Moscow, Havana, and elsewhere who have advocated nonmarket, inward looking strategies. The results for the past two dec-

ades make it very clear that the United States was correct and that our opponents were dead wrong. The developing countries that have done well are overwhelmingly those that have used the market approach and that have pursued exports. The statistical evidence for the past 20 years has been widely understood among development planners in China and India, and there is the strong attempt in both countries and elsewhere to shift policies in the right direction.

Let me drive this home for a second. Consistently everywhere on the planet that governments and countries invest in the future, invest in educating their young, work at retraining their adults, build new jobs, go out and encourage their corporations to get the kind of management, the kind of development that looks toward a global economy, that focuses on encouraging and motivating human resources and that accepts the productivity revolution we are looking through, everywhere that that happens there is success. And in virtually every place that avoids those three realities there has been failure.

So one of the points I would make tonight is that as we plan the second term of the Reagan administration, which is what I think we are going to have, as we look at the next 4 years, as we make our choices, we have to decide not to fight against the reality of change but, instead, to work at changing with reality.

The question then becomes when we go out and we ask for advice and we seek advice, the example, the model I have used is the pediatrician and the gerontologist. Do we want people who help us grow, as the pediatrician looks at a child as someone growing, or do we want experts who look at us as static, as stable, already formed, as, say, an 84-year-old person?

I would suggest that because of the characteristics of this productivity revolution and because of the possibility inherent both in the global economy and in human management, that we are in a position today where we need the pediatricians of growth, we need people who want to encourage and facilitate and develop a more rapidly growing America, not people who think there is some kind of artificial, static limit, lid, if you will, above which growth cannot rise.

As I said earlier, if you take computers by themselves you are talking about 99 percent per year real growth for 20 years, 22 years actually, from 1962 to 1984. That is 99 percent a year real growth in technology per dollar.

There is not a single econometric model in America, or a single economist in America who can explain mathematically how that is possible, so in a sense if we were to follow Paul Volcker's reasoning, since he argues you can only have 3.5 or 4 percent growth a year, it is obvious that computers do not exist.

So anyone who is watching who has a digital watch or who had a car that talks to you and tells you when you have left the door open, or the lights are on, or you are running out of gas, any of you who have the relatively inexpensive home computers, or inexpensive pocket calculators, those obviously do not exist because in the theoretical models of the gerontologists of the past who are in charge of our economy, we could not possibly have had 99 percent real growth a year and in fact had their policies applied to computers we would be today about where computers got to in 1965.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I would be glad to yield to my good friend, the gentleman from Florida [Mr. Mack], who is on the Budget Committee and who is a real student in this area.

Mr. MACK. I appreciate the gentleman yielding. I just would like to tie together a couple of points that have been made so far.

You talked earlier about the human aspects of economics, and one of the items that I would like to kind of add to that is our dealing with static models in so many of the economic projections that we make and then also tie into the last comment that you made about the gerontologists of the past.

Today when we begin to ask for information about how to make the decisions that will affect the future of our country based on economic growth, we seem to be getting the same answers that have been given for the last 35 or 40 years.

As an example, to tie those three points together, I think it is reasonable to look back to the 1977 debate on what would happen if the capital gains rate in this country were to be reduced. The first thing is that those people who indicated that the tax revenues to the Federal Government from capital gains would be reduced by 25 percent, if in fact we reduced the revenue, did not take into consideration the human aspects of economic policy. That is, that if one reduces the rate at which one is taxed that that would give incentive to the individual to earn more, to risk more, to go out and try to earn more as an individual, therefore raising the amount of money that the individual had, and at the same time ending up increasing the amount of revenue to the Federal Government.

The point was in 1977, I think it was Secretary Blumenthal that made the comment that if you reduced the tax rate from some 49 percent down to 26 percent, I think those numbers are pretty close, that we would lose \$2.2 billion annually as a result of that reduced capital gains rate. The end result was in 1978, \$1.4 billion or \$1.3

billion more in revenue came in as a result of reduced rate.

My point there is that again I think people have got to begin to understand that there is a human aspect to the equation of economic growth that needs to be taken into consideration, No. 1.

No. 2, that has an impact on the static models.

No. 3, that we have got to start to find people who understand the change that is taking place in the economy, how it affects those models so that we can begin to put together the proper equations to stimulate higher levels of long-term economic growth.

So I appreciate the gentleman yielding and I appreciate the special order that you have taken out tonight. Hopefully this will continue to spur on the discussion about how in fact we change policies to create growth.

Mr. GINGRICH. I appreciate very much the gentleman from Florida participating, because I think we are at the edge here of a fundamental change in how we think about the world. And not only I think, as I think the gentleman would agree, are we on the edge of being able to grow very rapidly, not only do dynamic models allow you to look at much more rational and effective ways of growing, but the next point I want to make is that there is a moral imperative for growth.

I tried to make the point a week ago that any liberal who wants to help the poor has to favor growth. If you want Bangladesh, or Chad, or Zimbabwe to live better you have to favor growth. If you want poor people in the ghettos to do better you have to favor growth. If you want us to be rich enough to help Americans who are born with handicaps such as mental retardation or physical disabilities you have to favor growth to have America wealthy enough to do that.

The great dilemma that I have always been shocked by is that liberals who believe in helping people, and they love jobs, they hate the growth and the job creators who make it possible. So you have people who come into this House who are very willing to tax the job creating entrepreneur out of business, they are very willing to put regulations on small business that kills it before it ever gets started, they are willing to eliminate the very people who create the future, and then they wonder, gosh, why do we have this swamp of human inactivity in which people do not do anything.

If you make it so expensive and so difficult and not just expensive financially, you can make it expensive culturally, psychologically through red-tape, it just gets to be too much of a nuisance, then you can build up a welfare system that is large enough and

has enough resources in it that you have to be stupid to leave it.

□ 1840

And if you take today many of our welfare policies and many of our tax policies, we make it disadvantageous to get off welfare and into a job. If you then take many of our tax policies we make it disadvantageous to leave a large corporation and go out on your own and take the risks to start your own business. We make it more difficult to be Thomas Edison, or Henry Ford, or the Wright Brothers, at the very time that we need them.

I would assert that what we need desperately on this planet is a model of growth and how to grow and how to get growth that says to 15-, 16-, and 17-year-olds in Bangladesh or in Lebanon that "if you want your family to live better, there is an alternative to communism and there is an alternative to terrorism."

Now I do not just speak on this tragic evening when we have had a bomb go off in Lebanon. I spoke a week ago and I used that same analogy.

I said, "If you are young, if you are poor, and you watch television and you see 'Dallas' on TV," and this happens in many countries today, it is the most widely shown television program in the world; or you see Los Angeles and the Olympics and you say to yourself "I would like my family to live like Americans" and you are told "Well, you can't get there because the International Monetary Fund is now imposing austerity on your country so none of you are going to make it. You cannot get there because the U.S. foreign aid program for years has been government-to-government programs to prop up the Minister downtown as a big government agency and they don't care about businesses. You can't get there because there is no model of thought."

Then somebody walks down the road and says, "How would you like to be a Communist? We will help you get there" or "How would you like to be a terrorist? We will bomb them and blackmail them into helping you. Why should they live rich in America while you live so poorly here in your country?"

The most desperately needed thing in the world is a positive, clear, coherent framework that says to that young person "No, no, don't go in those directions, join us in an opportunity society movement that would help your country grow." And furthermore the U.S. Government, the International Monetary Fund, the World Bank will join together in policies that encourage growth. "Go out and work and create wealth in your own nation. Don't destroy wealth in order to terrorize others. Go out and organize for wealth

and productivity, don't go out and organize for the Communist Party."

Now if we had a positive opportunity society vision available to the planet, we would be able to reach out, as evangelists, as missionaries across the planet, encouraging every young person without regard to their race, creed, color, religion, or background to begin to be productive. But what are we offered by our good friends who are liberal Democrats?

Faced with a moral imperative for growth, Walter Mondale and the liberal Democrats propose a budget plan that would kill growth, which would just simply flatly destroy growth.

Why do I say that? Because if you raise, as Walter Mondale has proposed, taxes on working Americans by what has been estimated to be \$1,800 per family, if you build a bigger welfare state, as Walter Mondale has proposed, if you make all sorts of promises to liberal welfare state allies as Walter Mondale has, if you behave the way liberal Democrats behave in the House of Representatives passing bigger central government bureaucracy bills, more regulations, more red tape, you guarantee that growth cannot possibly take place.

Now I do not say this as a theoretical argument. I do not stand here and suggest theoretically that Walter Mondale's plan would kill growth. I simply suggest we look at the last time Walter Mondale was in power, the last time liberal Democrats controlled the White House. It was in 1977 to 1981, under Jimmy Carter and Walter Mondale.

Now what did we get? We got taxes going up on the working Americans, we had massive inflation, we had the collapse of the auto industry, the collapse of the steel industry, the collapse of jobs, the decay of America. We were in such pain by the summer of 1980 that between dramatically rising inflation, when gold was over \$800 an ounce and going up, Italian hotels would not accept American dollars on the ground they could not trust the value of the dollar; the reality was the liberal welfare state policies did not work. We have historic proof. We lived through it. If you go to the doctor and the doctor makes you sicker and 4 years later you forget and you go back to the doctor who made you sicker, it is not the doctor's fault that you got sick, it is your fault. We know what liberal welfare state policies will do. They will destroy the chance for real growth.

By contrast what we are moving toward and the reason a number of us were opposed this year to talking about tax increases in 1985 is because we want an opportunity society plan for a balanced budget.

Remember, I said we have to have a clear, simple model for those young people. We have to be able to reach

out to Bangladesh, to Chad, to Zimbabwe, everywhere across the planet, to Paraguay, to every country that wants to improve its standard of living. What would an opportunity society plan look like?

Well, it would be based on four very simple principles. First, free enterprise; second, high technology; third, traditional values; fourth, self-government.

It is our argument based upon the real parallelism between the writings of the Founding Fathers in the Federalist Papers and elsewhere and the writings of people like Douglas McGregor and Peter Drucker, that a free nation that governs itself, that allows the marketplace to dominate its economic market activity, that teaches its children traditional values such as honesty and hard work, and that invests in the future in high technology, that builds new, modern steel plants, new, modern automobile plants, that reaches out and creates a new industrial Midwest by encouraging through the right tax policies the kind of factories that can compete with anybody in the world and that encourages, with the bill such as Congressman CLINGER and Congresswoman JOHNSON have developed for tax credits for retraining of workers, that encourages the kind of growth in knowledge on the part of adult workers, that allows all of us to participate in a high-technology future. These four principles, and let me repeat them because I think they are so profound: First, free enterprise; second, high technology; third, traditional values; and fourth, self-government. They form the basis of thought for an opportunity society which I think is not only competitive with communism and terrorism, it is clearly dramatically superior.

Now then, what would a plan to balance the budget in an opportunity society following these principles be, recognizing the revolution in productivity, recognizing the importance of the shift to human economics instead of mathematical economics and recognizing that we are in a global economy, what would that plan look like?

It would be seven steps. Let me list them and then go over them one by one. First, an agenda for growth; second, a 2-year budget and appropriations bills; third, a policy of frugality in government; fourth, new ideas for government and society; fifth, a simplified Tax Code; sixth, reform of interest on the debt; seventh, monetary policy reforms to fight inflation and to keep it under 3 percent.

These seven steps fit together. They include how do we grow as an economy so the world can grow, so that the poor in our cities can find jobs, so we can rebuild and redevelop our industrial base. It includes a way of grabbing control of the Congress with a 2-year

budget and a 2-year appropriation, forcing the Congress to bring spending to a halt and to stop the kind of pork-barrel fight that we saw today, when once again today, faced with a choice between giving every Member's district a little bit more money that we do not have, or stopping this kind of spending, the Congress once again voted to give Members' districts more than frankly we have. We are giving away our grandchildren's future.

Third, it is possible to be frugal. There have been three great political leaders in the English-speaking world who have been frugal, Walpole in the 18th century, Gladstone in the 19th century, and Coolidge in the 20th century. All three made a success of the simple principle that if money is to be wasted, you should be allowed to waste your own money; you should not have the government take it away from you in taxes so that some bureaucrat can waste it for you. In short, if we are going to buy a \$435 hammer, we should be able to buy it for ourselves, we should not have the Defense Department do it for us. That principle created three, very, very successful careers as I said Walpole, Gladstone, and Coolidge. It is not just a gimmick. It is a serious idea.

Fourth, we have to focus on new ideas. We live in an age of enormous change everywhere but Washington, DC. If you were to simply compare for example the process by which you can now call into any kind of money market fund, if you have any kind of money market fund you can go to any touchtone phone, dial an 800 number for free, get the computer, punch in your credit card number or account number and the computer within a matter of less than 1 minute will tell you that as of 5 o'clock today how much money you have in your account, how much interest was paid on it in the last 7 days, and how much interest was paid on it in the last 30 days.

□ 1850

You try the same thing with the U.S. Government involving say, your Social Security account. Those places you cannot call anyway, you have to write. When you write it may or may not be answered. They may lose it. If they do answer you they will tell you that they are several years behind in processing the accounts. Now, is this because civil servants are stupid or lazy? No, it is because the structure of the Federal Government is an 1880's Civil Service Act, 1920's management style, and 1950's office equipment. There is no company in America that could operate with all of the handicaps which we have legally built into the Federal Government and do anything except go bankrupt.

So, if we expect to have efficient and smiling and effective and productive

Federal workers, we have to overhaul and rethink the entire Federal system.

Fifth, we need to simplify the Tax Code. Everyone who looks, for example, at the 1984 Tax Act with its report language comes to almost 1,900 pages, has come to the conclusion, tax lawyer after tax lawyer who makes their living out of complexity have come to me and asked that we find a way to pass something like the Kemp-Kasten flatter and simpler tax bill.

Sixth, interest payments are now the third largest item in the budget, larger than the Army and Marine Corps combined. Yet, no one looks seriously at how we could reform interest payments.

Seventh, we have to look at monetary policy. One of the major failures of the first term of the Reagan administration and the entire revolution that JACK KEMP and others led in looking at fiscal policy and taxes was that we frankly did not pay enough attention in 1981 and 1982 to the terribly important question of the value of money. And I want to come back to that.

Let me start first with an agenda for growth, remembering as I said earlier that we absolutely have to grow in America, that for us to not grow is to cripple the country.

Let me expand on that. Every time a nation grows rapidly everybody gains. There are inevitably at any one point in history some industries, some sectors that are declining and other sectors that are growing. But if the whole economy is growing, then the sectors that are becoming relatively less important do not feel the pain that they feel in a recession or a depression.

Interestingly, for example, the Erie Canal reached its peak of carrying freight in the 1880's long after railroads were running parallel. The New York Central lines were literally next to the Erie Canal. Yet, because America was growing, the canal was growing. That is very, very important in a free society because when an industry declines in absolute terms it brings pressure to bear on its Senator, on its Congressman, on its President to protect it. That is perfectly legitimate. No one should be expected to suffer in silence. In a free society they have the right to speak out and say, "Hey, look at me. I am in pain."

If we follow in 1985 and 1986 policies that bring us less than maximum growth then there can be a coalition of protectionism, a coalition of pain that steps in and says, "Whoa, I don't want my company to be suffering and I am in too much pain to let you do anything except protect me."

If that happens, we are faced with an absolute disaster.

So in order for America to grow fast enough, in order for us to participate in a global economy, we are going to have to think about how do we get

American companies, American jobs, American productivity, moving up at a fast enough rate that even the companies that are decaying feel fairly good about it, that they are in fact part of a growing economy in which they feel certain they can get a better job, they can invest in a better industry, they can move their resources to a better future. Because if we suffer a severe recession in 1985 or 1986 the pressures for protectionism in this country will be massive.

We see today, this week, whether it is in farming or it is in steel, but even in the middle of the greatest boom we have had in years, there are tremendous pressures to protect industry. It is impossible to imagine how tremendous the pressure would get if we had a severe recession. And, again, as Professor Dunn said:

The success stories among developing countries have been possible, however, only because the United States and its allies have been willing to purchase growing volumes of their exports. If this country now becomes protectionist, the successful strategy of the rapidly growing countries will become impossible for nations such as India and China leaving them no choice but to move toward an inward looking, centrally planned approach to economic policy. The United States has won a major intellectual victory in the developing countries, but we may throw that success away and literally snatch defeat from the jaws of victory.

What then is the first, the very first step for 1985? It is that the President should suggest an agenda for growth. The President should come to the Congress and propose an omnibus growth bill. If you will, compared to the Gramm-Latta budget bill, which is 3,000 pages, we need the Gramm-Latta of growth. We need a bill which says here are the changes in law, in regulation, in tax policy, which will allow American companies to grow.

Let me give you just a few examples. Clearly, No. 1 should be enterprise zones. We should encourage new factories, new jobs, in the central city, in poor rural areas, in places where there are people who want to work and have no jobs.

Second, we should change the current incredibly dumb law on investing in space. Currently if you put—and I have verified this last night at the Harris Corp. where their attorney said, yes, this is true, so it is hard to believe, but listen carefully—equipment in space, in satellites, in a new factory in our manned space station, you cannot take a tax credit because the Internal Revenue Service has ruled that it is out of the country.

Now, everything about America's future means we should be reaching out into space which is a place—thanks to the space shuttle—where we would have the maximum possible advantage over the Japanese and the Russians in competing. We can do

things in space nobody else can do. Yet, our tax law discourages it.

I said this last night at a high technology dinner in Melbourne, FL, for the Harris Corp. I was a little worried because it frankly sounds so dumb I cannot believe even our Government is doing it, even our bureaucracy is doing it. But the Internal Revenue Service has ruled that the tax credit law says you can only take a tax credit for things in the United States. And by definition if it is in orbit it is not in the United States.

I said I think that is true, although as a historian I am not a tax lawyer, and I do not invest in high technology. The counsel for the company said that is absolutely true. They have an experiment going up in the space shuttle and they have to take the accounting process of not taking a tax credit on that experiment.

Well, what does that mean? That means we currently discourage companies from taking the gamble in the future. To give you an idea how big that gamble potentially is, the recent *Discovery* flight, the space shuttle *Discovery*, carried the first nonastronaut, a technician from McDonnell Douglas and Johnson & Johnson, who is manufacturing a hormone in space. It turns out that for reasons that involve a zero-gravity environment you can create 700 times as much of this hormone in space as you can on Earth. Seven hundred times.

President Reagan in a recent speech said that means you could create more in space in 1 month than you could create on Earth in 60 years. When you think of it that way it gives you a sense of perspective.

The estimate I saw was that that one breakthrough may be worth \$1 billion a year to the United States in medicine. That is, by the middle of the 1990's, that one breakthrough may be worth \$1 billion a year.

Now, where are most of those jobs going to be? They are going to be in Buffalo, NY. They are going to be in Canton, OH. They are going to be in Atlanta, GA. They are going to be in south Florida. They are not going to be out there in space. There are going to be a handful of jobs in space and thousands of jobs on Earth. Just as with the airline industry there are relatively few pilots, but there are a lot of reservationists, there are a lot of clerks, there are a lot of baggage handlers, there are a lot of mechanics, there are a lot of manufacturers.

Similarly, we have a chance here to move into space aggressively, to create jobs in America, to create a billion dollar industry and we have a tax policy that slows it down.

Another example, a brilliant paper was published this year by a task force on high technology led by Congressman ZSCHAU of California and Congressman RITTER of Pennsylvania.

They listed 14 specific changes that would encourage growth. One of them is to change the 1890's pre-Henry Ford, pre-Wright brothers, antitrust policy of the United States which was designed for large central railroads.

That antitrust policy has grown over the years much like kudzu in Georgia to become an absolute handicap to American high technology companies trying to compete with the Japanese.

Where our companies cannot work together, Japanese companies can. Well, all of us who believe in team work know that if I can work together and you cannot, I am going to beat you.

So, one of the simple changes in law would be an antitrust exemption to allow high technology companies to go ahead and work together. We are not in any danger at any time in the near future of a monopoly in America taking over the way the New York Central Railroad did in the 1880's. That whole technology is gone. We are in an era where we want to encourage American companies to work together, not discourage it.

So, as I said, the No. 1 step in 1985 has got to be an agenda for growth because if we were to achieve 5.5 percent growth a year for the next 4 years, that is about as much growth as we achieved in the 1960's. It is 60 percent as much growth as Japan's best 4 years. Half as much growth as Singapore, Hong Kong, or Taiwan, or South Korea.

□ 1900

Think about that. We achieve as much growth as we achieved in the 1960's, 60 percent of the growth of the Japanese or half the growth of Singapore, South Korea, Hong Kong, or Taiwan. In the 4 years, the sheer size of our economy would mop up most of the Federal deficit as people got richer, had better jobs, built more factories and, therefore, could pay more taxes because they are now richer.

Therefore, that is the first step for the health of the world, for the health of our inner cities, for the health of our industrial Midwest, for the health of the Nation and for balancing the budget.

I would be delighted to yield to my good friend from Florida.

Mr. MACK. I just wanted to build on a comment that you made about Congressman ZSCHAU and Congressman RITTER. At a presentation they made on their ideas about how to stimulate growth, one of the messages that they delivered—and, frankly, I found the figures rather shocking—was again the effect of the changes in the capital gains rate.

In 1969, when the capital gains rate was increased, the amount of dollars that were available in the venture capital markets of this country just dropped and dropped rather signifi-

cantly; and for a period of time from 1969 through 1977, when the rate was changed once again, the amount of dollars that were available to the venture capital markets of this country averaged somewhere between \$75 million and \$100 million annually. After the rate was decreased in 1977, for the 18 months following that there was \$1 billion available into venture capital markets of this country, and in 1983 it was estimated that \$4.2 billion was available to venture capital in this country.

People ask the question today: How in the world did we ever create 6 or 7 million new jobs in the last 18 months?

The answer is very clear. There were dollars available to venture capital, encouraging risk, encouraging starting up new businesses, small businesses, where jobs are being created. And that is an example of the type of item that I would hope to see in this agenda for growth, in this omnibus growth bill, that we will hopefully have an opportunity to take a look at in 1985.

I thank the gentleman for yielding.

Mr. GINGRICH. I thank the gentleman.

Let me say that the second point is a 2-year budget and a 2-year appropriations bill, and the reasons are simple:

First, we need one large overall vote in which the popularity of the President, the popularity of the national desire to control spending is brought to bear.

Second, in a large vote like that on the floor of the House, we can defeat the subcommittees and the special interests in a way which allows the Congress at large to write a budget for the Nation instead of simply adding up all of the various tiny budgets put together by special interest groups and subcommittees.

Third, it allows you to gain economies of scale. If you can go to a tank manufacturer and say, "We are going to buy so many tanks per month for the next 2 years," you get a cheaper price per tank than if they are waiting for the next continuing resolution to be adopted by the Congress. You allow the Pentagon, you allow the Health Care Financing Administration to plan rationally for 2 solid years.

Finally, you also gain an advantage in the money markets and interest rates because they know that basically we set the pattern of spending for 2 solid years.

If this Congress coming in in January cannot gain the courage to decisively control the budget and appropriations for 2 years before June 1985, then, as we get closer to the next election, it will be impossible to control spending.

So the second principle is a 2-year budget and 2-year appropriation.

Third, as I said earlier, we have to redevelop frugality as a style of government. We have to recognize that every dollar we spend is a dollar that comes out of the taxpayer's pocket, a dollar that some family cannot spend for themselves and their children. That means, I think, that we should give a President in the 2-year budget a 2-year line-item veto and some limited impoundment authority so that for one time under this President immediately after a very popular election, he can pick and choose and he can tighten up. It means that we should have a report by the Congress to adopt a series of specific proposals chosen out of the recent commission which looked at all of the spending, because the Grace Commission did pretty good work. And while much of what they suggested cannot be done, there is probably \$5, \$10, \$15 billion in savings which could be gotten if we were to look at it in a very serious way.

Finally, to be quite candid, I think there would have to be some areas of nitpicking. There are some things we do as a country that, if you really sat down and really looked at it, you would say, "That's silly, that doesn't need to be done."

So I think frugality has to come back in.

Fourth, we have to develop new ideas, new ways of delivering goods and services.

In a book that Marianne and I wrote recently called "Window of Opportunity," there is a chapter called "Reforming the Great Bureaucracies." There is a section called "The Best Possible Health Care for Everyone," just to give you one area of the kinds of changes we are talking about. And I emphasize new ideas because one of the weaknesses of the liberal welfare state is that it wants to ask the question: More or less?

I do not think that is the correct question. The real question is future versus past; better versus worse.

For example, if we have an alcoholic, is giving him more bourbon more? Is that better? Or is that in fact worse. I would argue it is worse. Does it help them live in the future, or does it in fact trap them into their past? I would argue it traps them into their past. Indeed, much of the problem with the Walter Mondale liberal Democratic approach and with the liberal welfare approach has been that it is a process of asking us to spend more through the same tired bureaucracies on the same programs that do not work.

I would suggest instead that we look at changes in health care, for example.

The eight areas of necessary change are:

First, focusing on preventive medicine and good health;

Second, improving research at the vision and strategy level to transform specific areas;

Third, decentralizing decision making so we can move more rapidly to new technologies and procedures;

Fourth, sharing new medical knowledge more widely and systematically so that people can adopt new methods without professional involvement;

Fifth, relying more on the patients and their families, friends and neighbors, instead of health care professionals;

Sixth, returning power and responsibility to the patients in the local institutions;

Seventh, eliminating national responsibility for what ultimately must be individual decisions; and

Eighth, changing the third-party payment system so that the individuals once again are directly involved in the market cost.

These are systems changes, and we take something like 10 or 12 pages in the book to describe them in some detail. But the point I want to drive at here is that almost every one of those is not a question of more money in the budget, it is a question of rethinking our current model of health care.

We similarly suggest rethinking education.

We also suggest that we have to shift from the welfare system we have today to some kind of workfare program for able-bodied adults under the age of retirement.

My point is this: If you look at the experiments being done by people like Bob Woodson, the brilliant young advocate of neighborhood control of public housing programs, if you look at the kind of work being done by the Military Reform Caucus led by people such as JOHN KASICH of Ohio and JIM COURTER of New Jersey, if you look at the ideas that people like Lodzhansky, in the area of building a nationwide televised high school math and science enrichment program, there are new ideas we should move toward today.

Fifth, we must move to a simplified tax system, something like the Kemp-Kasten bill. I think that is a vital area that almost everyone agrees has to be examined and which will bring in more revenue in the long run, first, because if you eliminate the shelters, people will start investing their money to build new factories instead of to hide from the Internal Revenue Service; and, second, if you reestablish a sense of fairness, people will come back out from the underground economy and start paying their fair share of taxes again.

Sixth, we have to have a real focus on how we deal with interest paid on the national debt.

The fact is that today interest on the national debt is the third largest item in the Federal budget, larger than the Army and the Marine Corps combined, yet we in the Congress pay less attention to how we handle inter-

est on the debt than we do on how you build tank treads for the M-1 tank.

There are a number of steps which could be taken, and this was the genius, for example, of Alexander Hamilton in the 18th century in funding the debt as it was being handled at the time we became a country.

There are two principles to the debt. First, you want to minimize its cost and, second, you want to build in a hedge against inflation.

Just as under the liberal welfare state they liked bracket creep to push people secretly into higher brackets through inflation, that made it more desirable for the Government to inflate the currency because it raised revenue without raising taxes.

We I think in building an opportunity society want to look at experiments such as offering gold backed bonds or offering bonds that are guaranteed by the Consumer Price Index plus 2 or 3 percent, so that we build in hedges against inflation, so that after Ronald Reagan there would be so much of the Federal debt tied up in anti-inflation bonds that no future liberal President could afford to inflate the currency.

□ 1910

Finally, and seventh, we must have monetary policy reform which starts with a pledge by the President and the Chairman of the Federal Reserve Board that we will try to keep inflation under 3 percent. Now, there was some very eloquent talk earlier about the problems of cost-of-living increases. The fact is, if we can have an honest dollar we do not have to do anything in the House of Representatives about cost-of-living increases. If the dollar is honest, people do not need then to get extra money from Washington, because the money they are currently getting will buy what they need.

Similarly, if you have honest money and people know that for the next 4 years you are going to keep inflation under, say, 3 percent, interest rates will drop dramatically. That will both save you money on the debt, because you will be paying less in interest for the debt, and second, it will increase revenues, because if interest rates were to drop dramatically, if we had, let us say, 3 percent inflation and people believed it would stay at that level, then we normally would not have more than a 6- or 7-percent prime rate. That would mean, clearly, without any question, that we would then be in a position that we would have a tremendous savings on the interest on the debt, a savings amounting to tens of billions of dollars.

In wrapping up, let me make these points: Good news tends to get better. That is, there is a positive synergism that develops over time. If you have the right tax policy, the right red tape

and regulations, the right management system, the right cultural attitude, your country gets richer and richer and richer. But as the Carter-Mondale years proved, if you have a liberal welfare state system that has big bureaucracy interfering, that has very high taxes, that has high inflation, that has an antibusiness, antientrepreneur bias, that has a culture that in fact weakens what is going on, each one multiples negatively against the other.

You can have a positive synergism into the future, or a negative synergism. You can have an avalanche of disaster, which can carry us down as we discovered from 1977 to 1981, or we can have a tremendous, rapidly increasing growth rate.

Finally, what is at stake? The choice we will make in the next 4 or 5 months, in the election in 2 months, in the decisions of President Reagan beyond that, in the decisions of this Congress as we react to it, are choices which affect every person on this planet, whether you are in Bangladesh, or in Lebanon, or in El Salvador, or you are in Los Angeles or in Atlanta or Miami or Buffalo. The fact is that if we adopt a strategy for growth and we implement that strategy and we adopt this seven-part opportunity society budget plan, we will ultimately achieve a balanced budget with a very different kind of government, very different services, a very different kind of productivity, in a world which is improved dramatically. A world in which every person, every young person on the planet can adopt an opportunity society model of growth, and terrorism and communism will wane as they clearly fail to achieve the kind of laws we want.

I honestly believe that is what is at stake; that is how vital the next few months are. That is why we must find a creative, dynamic approach to developing the budget and the Government from 1985 to 1989.

THE PANAMA CANAL—BUYING A DEBT TO BE PAID IN BLOOD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho [Mr. HANSEN] is recognized for 10 minutes.

● Mr. HANSEN of Idaho. Mr. Speaker, 7 years ago, against the will of the vast majority of the American people, the Carter administration illegally forced into being the nefarious Panama Canal Treaties. It might ordinarily be pleasant for those of us who fought against these concessions to remind the leaders of the Congress at the time that, as we predicted, the transfer of the Panama Canal was a major leap toward making the Caribbean a Soviet lake. In an amazingly brief time, our forebodings became fact.

Many of those who acted here and in the other body have rightly been retired from public life by the people for their complicity in this epochal event. What we do not yet know is whether American lives will have to be spent to undo the rash and essentially illegal acts done in the name of befriending a petty Panamanian dictator who desperately needed a bailout from a scandalous debt with free-wheeling international banks.

Today is the fifth anniversary of the rejection by the House of implementing legislation. To its credit, this body at first responded to the will and the needs of the people of this country. But, the history of this shameful affair is clear. Nothing, not the rules of this House, not the rules of the Senate, not the indignation of the people of the country and, finally, not even of the Constitution itself, would be allowed to stand in the way of this monstrous perversion of the duty we have sworn to protect this Nation against all its enemies, both foreign and domestic.

Unfortunately our vote against implementing the treaties was soon overturned. In 6 days, sufficient pressure had been brought by the President through arm-twisting and by the doom and gloom lobby and fear mongers to finally, on the 26th of September, force the House to pass the implementation. The rights of the people under the Constitution had again been violated in order to guarantee that our ability to defend ourselves and to protect the West would be dealt yet another blow, a blow struck twice in rapid succession as President Carter almost simultaneously handed the key nation of Nicaragua over to the Communist Sandinista. We should keep this day in mind as we now struggle to stem the forces which ourselves helped put in play in Central America.

I have often wondered whether the subsequent terrorism of American Embassies around the world and the taking of our Embassy in Tehran, 2 months later, would have happened if we had shown the world that our priorities were to defend this Nation and the West against its implacable enemies. While we were being duped into giving away Nicaragua and the Panama Canal to placate the Communists, and to bail out corrupt dictators and reckless international bankers, the Marxist radicals have expanded their Cuban toe-hold in the Western Hemisphere to turn the Caribbean region, so vital to our economic and military security into a huge staging area for Soviet aggression.

If "the price of liberty is eternal vigilance," the counterfeit of moral bankruptcy is buying us a debt which is too often being paid with the blood of the innocent. ●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DREIER of California) to revise and extend their remarks and include extraneous material:)

Mr. DREIER of California, for 5 minutes, today.

Mr. MOLINARI, for 60 minutes, today.

Mr. SHAW, for 60 minutes, today.

Mr. SOLOMON, for 60 minutes, today.

Mr. GINGRICH, for 60 minutes, today.

Mr. GINGRICH, for 60 minutes, September 21.

Mr. WALKER, for 10 minutes, today.

Mr. WEBER, for 10 minutes, today.

Mr. WALKER, for 60 minutes, September 21.

Mr. WEBER, for 60 minutes, September 21.

Mr. SHAW, for 60 minutes, September 26.

Mr. MOLINARI, for 60 minutes, September 26.

Mr. HANSEN of Idaho, for 10 minutes, today.

(The following Members (at the request of Mr. WEAVER) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MOODY, for 30 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. GLICKMAN, for 60 minutes, October 2.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. LUNDINE, on Senate Joint Resolution 304.

(The following Members (at the request of Mr. DREIER of California) and to include extraneous matter:)

Mr. OXLEY.

Mr. WORTLEY.

Mr. COLEMAN of Missouri.

Mr. BEREUTER.

Mr. PORTER.

Ms. FIEDLER.

Mr. BROOMFIELD.

Mr. WOLF.

Mr. McGRATH.

Mr. GEKAS.

Mr. YOUNG of Florida.

Mr. LUNGREN.

Mr. COURTER.

Mr. SHUMWAY.

Mr. ROGERS.

Mr. GREEN.

(The following Members (at the request of Mr. WEAVER) and to include extraneous matter:)

Mr. SIMON.

Mr. LaFALCE.

Mr. ACKERMAN in two instances.

Mr. FASCELL in three instances.

Mr. DYSON.

Mr. SCHUMER.
Mr. NOWAK.
Mr. LELAND.
Mr. OTTINGER.
Mrs. BURTON of California.
Mr. DOWNEY of New York.
Mr. FEIGHAN.
Mr. St GERMAIN in two instances.
Mr. LANTOS.
Mr. LEVIN of Michigan.
Mr. YOUNG of Missouri.
Mr. MORRISON of Connecticut.
Mr. LUNDINE.
Mr. VENTO.
Mr. MARTINEZ.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 71. An act to authorize and direct the Secretary of the Interior to engage in a special study of the potential for groundwater recharge in the High Plains States, and for other purposes, and

H.J. Res. 453. Joint resolution designating the week of September 30 through October 6, 1984, as "National High-Tech Week."

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 277. An act for the relief of Marlon Dolon Opelt;

S. 301. An act for the relief of Kim Hae Ok Heimberger;

S. 435. An act for the relief of Joseph Antonio Francis;

S. 514. An act for the relief of Seela Jeremiah Piula;

S. 598. An act to authorize a land conveyance from the Department of Agriculture to Payson, AZ;

S. 692. An act for the relief of Charles Gaudencio Beeman, Paul Amado Beeman, Elizabeth Beeman, and Joshua Valente Beeman;

S. 798. An act for the relief of Grietje Rhea Pietens Beumer, Johan Christian Beumer, Cindy Larissa Beumer, and Cedric Grant Beumer;

S. 1060. An act for the relief of Samuel Joseph Edgar; and

S. 1140. An act for the relief of Patrick P.W. Tso, Ph.D.

ADJOURNMENT

Mr. GINGRICH. Mr. Speaker. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 15 minutes p.m.), under its previous order, the House adjourned until Monday, September 24, 1984, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4056. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter of offer to Canada for defense articles estimated to cost in excess of \$50 million (Transmittal No. 84-39), pursuant to 10 U.S.C. 133b (96 Stat. 1288), to the Committee on Armed Services.

4075. A letter from the Secretary of Education, transmitting a copy of proposed final regulations for the Endowment Grant Program, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453), to the Committee on Education and Labor.

4058. A letter from the Secretary of Education and Labor, transmitting a report on the status of bilingual vocational training, fiscal year 1982, pursuant to VEA, section 182(a) (90 Stat. 2206); to the Committee on Education and Labor.

4059. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter of offer to Canada for defense articles and services estimated to cost \$55 million (Transmittal No. 84-39), pursuant to AECA, section 36(b) (90 Stat. 741; 93 Stat. 708, 709, 710; 94 Stat. 3134; 95 Stat. 1520), to the Committee on Foreign Affairs.

4060. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a) (92 Stat. 993); to the Committee on Foreign Affairs.

4061. A letter from the Comptroller General of the United States, transmitting a list of all reports issued or released by GAO in August 1984, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

4062. A letter from the Independent Counsel of the U.S. Government, transmitting the "Report of Independent Counsel Concerning Edwin Meese III," pursuant to 28 U.S.C. 595(a); to the Committee on the Judiciary.

4063. A letter from the Secretary of Labor, transmitting a report on funds expended for trade adjustment assistance training during the first and second quarters of fiscal year 1984, pursuant to Public Law 93-618, section 236(a)(2) (95 Stat. 885); to the Committee on Ways and Means.

4064. A letter from the Acting Comptroller General of the United States, transmitting a report entitled, "Status of the Great Plains Coal Gasification Project—May 31, 1984," (GAO/RCED-84-85, September 18, 1984; jointly, to the Committees on Banking, Finance and Urban Affairs; Energy and Commerce; and Science and Technology.

4065. A letter from the Comptroller General of the United States, transmitting a report entitled, "Management Weaknesses Affect Nuclear Regulatory Commission Efforts To Address Safety Issues Common to Nuclear Power Plants," (GAO/RCED-84-149, September 19, 1984; jointly, to the Committees on Government Operations, Interior and Insular Affairs, and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DERRICK: Committee on Rules. House Resolution 586. Resolution providing for the consideration of House Joint Resolution 648, joint resolution making continuing appropriations for the fiscal year 1985, and for other purposes (Rept. No. 98-1041). Referred to the House Calendar.

Mr. BONKER: Committee on Foreign Affairs. H.R. 3255. A bill to extend the export authority of the Secretary of Agriculture and the Commodity Credit Corporation to include fish and fish products, without regard to whether such fish are harvested in aquacultural operations, and for other purposes; with amendments (Rept. No. 98-1042 Pt. I). Ordered to be printed.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 6112. A bill to amend the Tax Equity and Fiscal Responsibility Act of 1982 with respect to the effect of the 1985 increase in the Federal unemployment tax rate on certain small business provisions contained in State unemployment compensation laws (Rept. No. 98-1043). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CONYERS (for himself, Mr. HOYER, Mr. CARR, Ms. MIKULSKI, Ms. FIEDLER, Mr. EDWARDS of California, Mr. SYNAR, Mrs. SCHROEDER, Mr. FRANK, Mr. CROCKETT, Mr. SCHUMER, Mr. MORRISON of Connecticut, Mr. FEIGHAN, Mr. SMITH of Florida, Mr. BERMAN, Mr. BOUCHER, Mr. BEVILL, Mr. FAUNTROY, Mr. BEDELL, Mr. EDGAR, Mr. LUKE, Mr. OBERSTAR, Mr. GARCIA, Mr. MARRIOTT, Mr. MAVEROULES, Mr. WEISS, Mr. BARNES, Mr. FAZIO, Mr. LELAND, Mr. SABO, Mr. TAUKE, Mr. WOLFE, Mrs. HALL of Indiana, Mr. HERTEL of Michigan, Mr. LANTOS, Mrs. MARTIN of Illinois, Mr. WYDEN, Mr. ACKERMAN, Mr. BORSKI, and Mr. TORRICELLI):

H.R. 6284. A bill to amend title 18 of the United States Code with respect to sexual assaults; to the Committee on the Judiciary.

By Mr. KASTENMEIER (for himself, Mr. RODINO, Mr. FISH, Mr. MOORHEAD, Mr. HYDE, Mr. DEWINE, Mr. KINDNESS, and Mr. SAWYER):

H.R. 6285. A bill to clarify the circumstances under which a trademark may be canceled or considered abandoned; to the Committee on the Judiciary.

By Mr. KASTENMEIER (for himself, Mr. MAZZOLI, Mrs. SCHROEDER, Mr. GLICKMAN, Mr. FRANK, Mr. BERMAN, Mr. MOORHEAD, Mr. HYDE, Mr. DEWINE, Mr. KINDNESS, and Mr. SAWYER):

H.R. 6286. A bill to amend title 35, United States Code, to increase the effectiveness of the patent laws, and for other purposes; to the Committee on the Judiciary.

By Mr. McEWEN:

H.R. 6287. A bill to provide that the 3.5-percent pay increase to become effective beginning on January 1, 1985, may not apply to Members of Congress; to the Committee on Post Office and Civil Service.

By Mr. MARRIOTT (for himself, Mr. CONABLE, Mr. FISH, Mr. McKERNAN, Mrs. VUCANOVICH, Mr. DUNCAN, Mr. ARCHER, Mr. MOORE, Mr. THOMAS of California, and Mr. McCain):

H.R. 6288. A bill to amend title XX of the Social Security Act to require, as a condition of Federal assistance to any State for the provision of child care services thereunder, that such State establish, monitor, and enforce appropriate child care standards; to the Committee on Ways and Means.

By Mr. SCHULZE:

H.R. 6289. A bill to amend the Tariff Schedules of the United States to establish equitable rates of duty on vinyl sheet flooring; to the Committee on Ways and Means.

By Mr. SHELBY:

H.R. 6290. A bill to authorize appropriations to the Secretary of Transportation for a grant to the State of Alabama for construction of a highway bridge across the Tombigbee River; to the Committee on Public Works and Transportation.

By Mr. TAUZIN:

H.R. 6291. A bill amending the Outer Continental Shelf Lands Act to improve safety at manned offshore installations, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. UDALL (for himself, Mr. McNULTY, Mr. HANSEN of Utah, and Mr. NIELSON of Utah):

H. Con. Res. 362. Concurrent resolution to require the President to initiate negotiations for voluntary restraint agreements with respect to copper production; to the Committee on Ways and Means.

By Mr. PASHAYAN (for himself, Mr. TORRICELLI, Mr. HYDE, Mr. FRANK, Mrs. JOHNSON and Mr. ANNUNZIO):

H. Res. 587. Resolution expressing the sense of the House of Representatives that the foreign policy of the United States should take account of the genocide of the Armenian people with the objective of preventing any future genocide anywhere in the world, and for other purposes; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. WILLIAMS of Montana introduced a bill (H.R. 6292) for the relief of Deola Shryock of Polson, MT, which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 511: Mr. BADHAM and Mr. EDWARDS of Oklahoma.

H.R. 960: Mr. APPLEGATE, Mr. BATES, Mr. BONER of Tennessee, Mr. COOPER, Mr. HARTNETT, Mr. HAWKINS, Mr. HUGHES, Mr. LANTOS, Mr. LONG of Louisiana, Mrs. MARTIN of Illinois, Mr. MORRISON of Connecticut, Mr. QUILLLEN, Mr. SISISKY, Mr. SPRATT, Mr. SWIFT, Mr. WISE, Mr. WON PAT, Mr. SIKORSKI, Mr. FLIPPO, and Mr. HANSEN of Utah.

H.R. 3224: Mr. ACKERMAN, Mr. MARTINEZ, and Mr. SHANNON.

H.R. 4402: Mr. STANGELAND, Mr. IRELAND, and Mr. McGRATH.

H.R. 5307: Mr. NEAL.

H.R. 5361: Mr. ACKERMAN, Mrs. HALL of Indiana, Mr. VENTO, Mr. ECKART, Mr. BRITT, and Mr. KOLTER.

H.R. 5741: Mr. JONES of North Carolina, Mr. PRITCHARD, Mr. BREAU, Mr. CARNEY, Mrs. SCHNEIDER, Mr. SAWYER, Mr. BATEMAN, Mr. McKERNAN, Mr. HUTTO, Mr. DYSON, Mr. CARPER, Mr. BOSCO, Mr. THOMAS of Georgia, Mr. STUDDS, Mr. D'AMOURS, Mr. HUGHES, Mr. HARTNETT, Mr. LENT, Mrs. BOXER, Mr. BORSKI, Mr. BIAGGI, Mr. FOGLIETTA, Mr. HORTON, Mr. MARTIN of North Carolina, Mr. SHAW, Mr. MOLINARI, Mr. LAGOMARSINO, Mr. SNYDER, Mr. STANGELAND, Mr. LOTT, Mr. ANDREWS of North Carolina, and Mr. PORTER.

H.R. 5952: Mr. DERRICK.

H.R. 5963: Mr. DARDEN.

H.R. 6021: Mr. BEDELL, Mr. MINETA, Mr. SMITH of New Jersey, Mr. HUBBARD, Mr. HOWARD, and Mr. NICHOLS.

H.R. 6045: Ms. FIEDLER and Mr. BORSKI.

H.R. 6082: Mr. GEJDENSON.

H.R. 6113: Mr. GOODLING.

H.R. 6158: Mr. QUILLLEN, Mr. PORTER, Mr. KINDNESS, Mr. RICHARDSON, and Mr. DARDEN.

H.R. 6172: Mr. VALENTINE and Mr. FAZIO.

H.R. 6179: Mr. MONTGOMERY and Mr. GINGRICH.

H.R. 6230: Mr. GEKAS and Mr. FISH.

H.R. 6231: Mr. DERRICK, Mr. CHAPPELL, Mr. LELAND, Mr. DICKS, Mr. FASCELL, Mr. DARDEN, Mr. TAUZIN, Mr. BONER of Tennessee, Mr. GREEN, Mr. FIELDS, and Mr. LOWRY of Washington.

H.J. Res. 389: Mr. BRITT.

H.J. Res. 580: Mr. ROE and Mr. BROOMFIELD.

H.J. Res. 608: Mrs. KENNELLY, Mr. HUCKABY, Mr. WEAVER, Mr. SEIBERLING, Mr. GREEN, Mr. LIVINGSTON, Mr. MOORE, Mr. McCLOSKEY, Mr. IRELAND, Mr. FUQUA, Mr. McGRATH, Mr. CONYERS, Mr. RATCHFORD, Mr. HUGHES, Mr. MONTGOMERY, Mr. McDADE, Mr. DONNELLY, Mr. DREIER of California, Mr. FEIGHAN, Mr. STOKES, Mr. GREGG, and Mr. STUMP.

H.J. Res. 243: Mr. HORTON.

H.J. Res. 637: Mr. PICKLE, Mr. BENNETT, Mr. SAM B. HALL, JR., Mr. CHAPPELL, Mr. CONTE, Mr. SPENCE, Mr. PANETTA, Mr. WISE, Mr. DE LA GARZA, Mr. NICHOLS, Mr. MARTINEZ, Mr. LIVINGSTON, Mr. EMERSON, Mr. JEFFORDS, Mr. MOORE, Mr. FISH, Mr. YOUNG of Florida, Mr. THOMAS of Georgia, Mr. HUGHES, Mr. ANTHONY, Mr. WYDEN, Mr. COOPER, Mr. HARTNETT, Mr. HANSEN of Utah, Mr. EDWARDS of Alabama, Mr. ROWLAND, Mr. WOLF, Mr. TAUZIN, Mr. DONNELLY, Mr. DOWDY of Mississippi, Mr. COELHO, Mr. RINALDO, Mr. SKELTON, Mr. ROEMER, Mr. FLORIO, Mr. BREAU, Mr. MRAZEK, Mr. LENT, Mr. McGRATH, Mr. TOWNS, Mr. VALENTINE, Mr. BROYHILL, Mr. HEFNER, Mr. LATTI, Ms. OKAR, Mr. MARTIN of North Carolina, Mr. FOGLIETTA, Mrs. BOGGS, Mr. GEKAS, Mr. STOKES, Mr. GRADISON, Mr. ROSE, Mr. ENGLISH, Mr. RALPH M. HALL, Mr. MCCAIN, Mr. CLARKE, Mr. RAHALL, Mr. GUNDERSON, Mr. SUNIA, Mr. WON PAT, Mr. MATSUI, Mr. DANIEL, Mr. FAZIO, Mrs. BOXER, Mr. BROWN of California, Mr. GORE, Mr. DANNEMEYER, Mr. LOWERY of California, Mrs. KENNELLY, Mr. THOMAS of Georgia and Mr. WAXMAN.

H. Con. Res. 306: Mr. EMERSON, Mr. LENT, Mr. STANGELAND, Mr. LAFALCE, Mr. DUNCAN, Mrs. JOHNSON, and Mr. YOUNG of Alaska.

H. Con. Res. 347: Mr. CROCKETT and Mr. LEVIN of Michigan.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 6224

By Mr. SOLOMON:

—Page 2, line 4, after "Services" insert "and Subsidy".

—Page 2, after line 20, insert the following:

"(4) The operation of Saint Elizabeths Hospital by the Federal Government has provided the District of Columbia with relief from a financial burden which has been held by non-Federal governmental entities throughout the several States."

And renumber accordingly.

—Page 2, line 20, after the period add the following: "It is now time for the relationship of the District of Columbia and the Federal Government with respect to providing mental health services to the residents of the District of Columbia to become more like the relationship of the Federal Government and the several States for this purpose."

—Page 5, line 10, add the following: "Such assumption also furthers the principle of federalism by bringing the division of responsibilities between the District of Columbia and the Federal Government into a state like the relationship of the Federal Government and the several States."

—Page 6, after line 4, insert the following:

"(3) In the calculation of equitable shares, the Congress notes that the Federal Government has in recent years spent in excess of sixty million dollars on Saint Elizabeths Hospital capital improvements in preparation for a transition to assumption by the District of responsibility for Saint Elizabeths Hospital."

And renumber accordingly.

—Page 7, after line 3, insert the following:

"(c) To ensure that the District of Columbia fulfills the intent of Congress established in this section, no funds may be appropriated for the District of Columbia for the fiscal year beginning October 1, 1991, unless the District shall have in operation an integrated coordinated mental health system by that date."

—Page 8, line 10, strike out "and" and insert in lieu thereof "a responsibility which historically has been that of the Federal Government, a responsibility which the Federal Government has held at substantial financial benefit to the District."

—Page 8, line 21, strike out "3" and insert in lieu thereof "6".

—Page 8, line 22, strike out "12" and insert in lieu thereof "9".

—Page 9, line 5, strike out "and" and insert in lieu thereof "and on line 6 after the word "Senate" insert "and the Subcommittees on the District of Columbia of the House and Senate Committees on Appropriations".

—Page 9, after the "." on line 7, insert the following: "The Mayor shall also submit the revised preliminary plan to the American Psychiatric Association together with the request that the Association review the revised preliminary plan and provide its advice as to the relationship of the plan to the current state of knowledge regarding the provision of mental health services."

—Page 9, line 15, strike out "and" and insert in lieu thereof "and" and on line 16 after "Senate" insert "and the Subcommittees on the District of Columbia of the House and Senate Committees on Appropriations".

—Page 9, line 17, after the period insert the following sentence: "The Mayor shall take no action to implement the plan until the Committee on the District of Columbia of the House of Representatives and the Committee on Governmental Affairs of the Senate shall complete their review as provided under section 4(b) of this Act."

—Page 10, after line 21, insert the following: "(c) The plan shall not propose the authorization of any additional funds by the Federal Government to carry out the purposes of this Act."

And renumber accordingly.

—on page 12, line 24, strike out "1991 and insert in lieu thereof "1994".

—Page 13, line 5, strike out "October" and insert in lieu thereof "July".

—Page 14, line 7, strike out "90" and insert in lieu thereof "45".

—Page 14, line 11, after the period, insert the following: "Should the Committee on the District of Columbia fail to submit a report to the House of Representatives on the final system implementation plan within 45 days of its submission by the Mayor, it shall not be in order in the House to consider any bill, resolution, or joint resolution reported by the Committee on the District of Columbia until such time as the Committee on the District of Columbia submits a report on the final system implementation plan."

—Page 14, after line 11, insert the following:

"(C) A final system implementation plan which recommends the authorization of payments by the Federal Government in excess of those authorized by this Act shall not fulfill the requirement of Sec. 4(b)(4)."

—Page 21, line 7, strike out "without compensation".

—Page 21, line 11, after "property," insert the following: *Provided*, That before making the transfer, the Secretary shall consult with the Secretary of the Interior as to what restrictions may be needed to safeguard the historic character of any buildings, grounds, or archeological resources which may be part of the property to be transferred. Should the Secretary of the Interior make any such recommendation, the Secretary is authorized to include such restrictions as the Secretary may deem necessary."

—Page 21, after the period on line 11, insert the following: "In token payment of the right, title, and interest received, the District of Columbia shall pay .00001 part of the value of the property transferred, said value to be determined by an individual or corporation agreed upon by the Secretary and the Mayor."

—Page 21, after line 11, insert the following: "(2) The Secretary shall transmit to the Congress within 180 days of the transfer a report which shall detail the value of the property received by the District of Columbia at no cost to it."

And renumber accordingly.

—Page 22, line 3, strike out "." and insert in lieu thereof ", said amounts to be in lieu of any amount which the District of Columbia might otherwise receive from the Federal Government or any instrumentality thereof for the District of Columbia comprehensive mental health system, except as otherwise provided in this Act."

—Page 23, after line 7, insert the following:

"(2) The Secretary shall submit to the Congress a report for each year of the service coordination and financial transition periods comparing the District of Columbia share of responsibility for the provision of mental health services with that of not less than five States."

—Page 23, line 23, after the period, insert the following: "Provided, That the share borne by the Federal Government shall not exceed fifty per centum of capital improvement costs."

—Page 32, after line 6, insert the following:

"AUTHORIZATIONS OF ADDITIONAL FUNDS

SEC. 11. No funds in addition to those authorized in this bill may be appropriated expressly for Saint Elizabeths Hospital." and renumber accordingly.

—Page 32, line 9 strike out "October" and insert in lieu thereof "September".

—Page 32, line 9 strike out "October" and insert in lieu thereof "November".

—Page 32, line 9, strike out "October 1, 1985" and insert in lieu thereof "January 1, 1986".